

**Notice of Determination****Appendix D****To:**

☒ Office of Planning and Research  
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 Sacramento, CA 95812-3044 Sacramento, CA 95814

☒ County Clerk  
 County of: Riverside  
 Address: 2724 Gateway Drive  
Riverside, CA 92507

**From:**

Public Agency: City of Indian Wells  
 Address: 44950 Eldorado Drive  
Indian Wells, CA 92210  
 Contact: Jon Berg, Community Development Dir.  
 Phone: 760-346-2489

Lead Agency (if different from above): \_\_\_\_\_

Address: \_\_\_\_\_

Contact: \_\_\_\_\_

Phone: \_\_\_\_\_

***SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.***

State Clearinghouse Number (if submitted to State Clearinghouse): 1994092037

Project Title: Addendum to the City's General Plan EIR; General Plan, Zone Text, and Zone Amendment

Project Applicant: City of Indian Wells

Project Location (include county): Citywide General Plan, Zoning code, and rezone site APN 633360002

**Project Description:**

(2nd Reading) The project consists of a General Plan Land Use/Zoning amendment that will result in the rezoning of a 33.98 acre site from Medium Density Residential Land Use designation to the new Public Benefit designation in support of the City's 2021-2029 Housing Element Program 3 addressing its shortfall in production of new housing units. The rezoning will allow for the development of 238 units limited to a 10-acre portion of the 33.98 acre site resulting in no net loss in potential housing units. The ☒

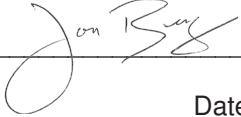
This is to advise that the City of Indian Wells has approved the above  
 (☒ Lead Agency or ☐ Responsible Agency)

described project on 06/20/2024 and has made the following determinations regarding the above  
 (date)  
 described project.

1. The project [☐ will ☒ will not] have a significant effect on the environment.
2. ☒ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☐ were ☒ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☐ was ☒ was not] adopted for this project.
5. A statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

The City of Indian Wells Community Development Department and attached to this document.

Signature (Public Agency):  Title: Community Development Director

Date: 06/20/2024 Date Received for filing at OPR: \_\_\_\_\_



# Addendum to the City of Indian Wells General Plan Final Environmental Impact Report

**RHNA Implementation Program Project**

April 2024

*Prepared for:*

City of Indian Wells  
Community Development Department  
Planning Division  
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D e N o v o P l a n n i n g G r o u p

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A Land Use Planning, Design, and Environmental Firm



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# **1 INTRODUCTION**

## **1.1 PURPOSE AND BACKGROUND**

The City of Indian Wells is the Lead Agency for this Project under the California Environmental Quality Act (CEQA). On February 1, 1996, the City of Indian Wells City Council adopted the 1996 Update to the City of Indian Wells General Plan (1996 General Plan). At the same time, the City Council certified by Resolution No. 96-9 the City of Indian Wells General Plan Final Environmental Impact Report (SCH No. 94092037) (General Plan FEIR) in compliance with the California Environmental Quality Act (CEQA) and CEQA Guidelines. The General Plan FEIR concluded that, although implementation of development under the 1996 General Plan could result in significant impacts, these potential adverse impacts are able to be mitigated to below a level of significance with the exception of impacts related to short- and long-term air quality, even after the implementation of General Plan policies as mitigation.

In 1999, the City adopted a Negative Declaration and initiated proceedings to annex the City's sphere of influence (approximately 400 acres) consistent with the City's 1996 General Plan and General Plan land use designations (1996 General Plan Figure IIA-5, Land Use Policy Map – designating the subject site as Residential, Medium High Density and Residential, Low Density). The annexation area included the area bounded on the west by Elkhorn Trail and Miles Avenue, on the north by Fred Waring Drive, on the east by Washington Avenue and on the south by the southern edge of the Whitewater Rivers Storm Channel and existing corporate boundaries of the City at that time. The Negative Declaration concluded there was no substantial evidence that there would be significant adverse environmental impacts associated with the proposed annexation. On January 27, 2000, the Local Agency Formation Commission of the County of Riverside, adopted Resolution No. 03-00 approving the reorganization and on March 16, 2000 the City adopted Resolution No. 2000-12 approving the annexation.

On December 19, 2002, the City adopted a Negative Declaration and approved a General Plan Amendment, Zoning Map Amendment, and Zoning Text Amendment to change the Residential, Medium High Density and Residential, Low Density designations to Residential, Medium Density on land east of Warner Trail. The 2002 Negative Declaration determined the General Plan Amendment, Zoning Map Amendment, and Zoning Text Amendment would not have a significant effect on the environment.

In 2007 the City approved the General Plan Land Use Element Update and adopted an Addendum to the General Plan FEIR (2007 Addendum to FEIR). The Land Use Element Update consisted of minor revisions to language, exhibits, and maps to reflect existing conditions and changes that had been made since the adoption of the General Plan in 1996, including the 2000 annexation and 2002 General Plan Amendment, Zoning Map Amendment, and Zoning Text Amendment. The 2007 Addendum to FEIR determined that the Land Use Element Update would not cause substantial changes to the analysis or conclusions in the General Plan FEIR, and that the Update resulted in reduced impacts on air quality, traffic, and noise due to reductions in land use intensities and buildout population and housing estimates.

In 2013, the City updated the Housing Element for the 2014-2021 planning period (5th cycle) and adopted an Addendum to the General Plan FEIR (2013 Addendum to FEIR). The 2013 Addendum

to FEIR determined all potentially significant effects resulting from the residential development anticipated by the Housing Element had been adequately analyzed in the General Plan FEIR and could be avoided and/or mitigated pursuant to compliance with the mitigation measures contained in the General Plan FEIR.

In June 2022, the City approved General Plan Amendment No. 2022-01 for the adoption of the 6<sup>th</sup> Cycle 2021-2029 Housing Element and Finding the action to be exempt from CEQA in accordance with Section 15061(b)(3) of the CEQA Guidelines because the activity is governed by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment, and it can be seen with certainty that there is no possibility that the adoption of this policy document would have a significant effect on the environment, directly or indirectly. Subsequent to the June 2022 adoption of the 2021-2029 Housing Element, the City prepared revisions to the Housing Element to address comments provided by the California Department of Housing and Community Development (HCD) to comply with State Housing Element Law. On July 6, 2023, the City approved General Plan Amendment No. 2023-01 for readoption of the 6<sup>th</sup> Cycle 2021-2029 Housing Element and Finding the action to be exempt from CEQA. Subsequent to the July 2023 readoption of the 2021-2029 Housing Element, the City prepared revisions to the Housing Element to address comments provided by HCD specific to Affirmatively Furthering Fair Housing (AFFH) and Reducing/Removing Governmental Constraints. In December 2023, HCD issued a Findings Letter (Pre-Certification Letter) that the revised Housing Element meets the statutory requirements of State Housing Element Law and that the City must readopt the Housing Element and complete any necessary rezoning to accommodate the City's Regional Housing Needs Allocation (RHNA) prior to receiving HCD's official certification of the Housing Element. In February 2024, the City approved General Plan Amendment No. 2024-01 for readoption of the 6<sup>th</sup> Cycle 2021-2029 Housing Element and Finding the action to be exempt from CEQA.

The City is initiating the required rezoning program to accommodate its RHNA consistent with the programs outlined in the February 2024 adopted 2021-2029 Housing Element, including amendments to the zoning text, General Plan Land Use Element, and General Plan Land Use/Zoning map, as described further in Section 2.

Following preliminary review of the proposed Project, the City of Indian Wells, as Lead Agency, has determined that the proposed Project is subject to CEQA (Public Resources Code [PRC] Sections 21000-21177). The purpose of this document is to analyze whether the Project meets the conditions warranting preparation of a Subsequent or Supplemental EIR to the General Plan FEIR, as amended by the 2007 and 2013 Addenda to FEIR, pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162.

## **1.2 CEQA REQUIREMENTS**

The purpose of this Addendum is to analyze any potential differences between the impacts identified in the General Plan FEIR and those that would be associated with the proposed Project. Pursuant to provisions of CEQA and State CEQA Guidelines, the City is the Lead Agency charged with the responsibility of deciding whether to approve the Project. As part of its decision-making process, the City is required to review and consider whether the proposed Project would create

new significant impacts or significant impacts that would be substantially more severe than those disclosed in the General Plan FEIR.

Additional CEQA review beyond this Addendum would only be triggered if the Project created new significant impacts or impacts that are more severe than those disclosed in the General Plan FEIR used to approve the Indian Wells General Plan. To use an Addendum as the appropriate CEQA document for the proposed Project, the City must find that major revisions to the General Plan FEIR are not necessary and that none of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of additional CEQA documentation has occurred.

In accordance with the State CEQA Guidelines, prior to approving further discretionary action and depending upon the situation, the lead agency must generally either: (1) prepare a Subsequent EIR; (2) prepare a Supplemental EIR; (3) prepare a Subsequent Negative Declaration; (4) prepare an Addendum to the EIR or Negative Declaration; or (5) prepare no further documentation. (See State CEQA Guidelines, §§ 15162 – 15164.) State CEQA Guidelines Section 15162 states:

When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Section 15164 of the State CEQA Guidelines explains when an Addendum to an EIR is appropriate. Per this section, where some changes or additions are necessary to the previously certified EIR, but none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR (as described above) have occurred, then the lead agency is directed to prepare an Addendum to the certified EIR (State CEQA Guidelines, § 15164). Further, the Addendum should include a “brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162,” and that “explanation must be supported by substantial evidence” (State CEQA Guidelines, § 15164 [e]). The Addendum need not be circulated for public review but may simply be attached to the certified EIR (State CEQA Guidelines, § 15164 [c]).

### **1.3 INCORPORATION BY REFERENCE**

The documents outlined below, which were utilized during preparation of this Addendum and are a matter of public record, are hereby incorporated by reference.

#### **City of Indian Wells General Plan**

The City of Indian Wells City Council adopted the 1996 Update to the City of Indian Wells General Plan (1996 General Plan) on February 1, 1996. The 1996 General Plan is a policy document that establishes a blueprint for the City's long-term development. The overall intent of the 1996 General Plan is to direct daily City actions, through policy statements, toward improving and maintaining a socially cohesive, economically viable, and physically attractive community. The General Plan contains each of the State-mandated elements in accordance with California Government Code Section 65302; however, the elements are organized into functional chapters. The chapters, with the associated elements in parentheses, are Community Development (Land Use, Housing, Circulation), Resource Management (Conservation and Open Space), and Public Safety (Community Safety, Noise). Each element contains a statement of authority, a summary of existing conditions, and the goals and policies pertaining to the subject matter.

Land Use Element Table IIA-2 presents the General Plan Land Use buildout estimates. Implementation of the General Plan is anticipated to result in a total of 5,635 dwelling units and approximately 9,992,827 square feet of non-residential land uses. The City's projected population resulting from full implementation of the General Plan is 10,802 persons. However, factoring a historical vacancy rate of approximately 48 percent to account for the seasonal nature of the City's population, the City's adjusted buildout population is approximately 5,185 persons.

A number of amendments have been made to the 1996 General Plan since adoption, as discussed in Section 1.1. These amendments are reflected in the General Plan Land Use buildout estimates.

#### **City of Indian Wells General Plan FEIR and Addenda**

The City of Indian Wells General Plan FEIR (SCH No. 94092037) as amended by the 2007 and 2013 Addendum provides a program-level analysis of the environmental impacts resulting from

full implementation of the General Plan. The General Plan FEIR's analysis is based on the change between development under existing conditions (at the time of document preparation) and those projected for likely development in accordance with the General Plan by theoretical buildout in 2025. Based on General Plan FEIR Tables 4.1-1 and 4.1-3, the General Plan FEIR assumed and analyzed the environmental impacts resulting from the following: 2,878 additional dwelling units; approximately 4.0 additional million square feet of non-residential land uses; and approximately 5,388 additional persons. The General Plan FEIR concluded full implementation of the General Plan would result in less than significant impacts, with mitigation incorporated, for all issue areas analyzed. The General Plan FEIR's background and policy information and environmental impact conclusions are cited throughout this Addendum.

### **Negative Declaration for Environmental Assessment No. 99-1: Annexation #13 Sphere of Influence Area**

On April 1, 1999, the City adopted a Negative Declaration for Environmental Assessment No. 99-1: Annexation #13 Sphere of Influence Area for the proposed annexation of an approximately 400 acre area bounded on the west by Elkhorn Trail and Miles Avenue, on the north by Fred Waring Drive, on the east by Washington Avenue, and on the south by the southern edge of the Whitewater River Storm Channel and the existing corporate boundaries of the City. The 1999 Negative Declaration concluded there was no substantial evidence that there would be significant adverse environmental impacts associated with the proposed annexation.

### **Negative Declaration for Environmental Assessment No. 2002-03**

On December 19, 2002, the City adopted a Negative Declaration for Environmental Assessment No. 2002-03 (2002 Negative Declaration) for a General Plan Amendment (No. 2002-02), Zoning Map Amendment (ZMA No. 2002-02), and Zoning Text Amendment (ZTA) No. 2002-016, to change the Residential Medium High Density designation (RMHD), 7.1 to 12.0 du/ac and the Residential Low Density designation (RLD), 3.1 to 4.5 du/ac to Residential Medium Density (RMD), 4.6 to 7.0 du/ac on land east of Watern Trail (APNs 633-360-002 and 633-360-023). The 2002 Negative Declaration determined the General Plan Amendment, Zoning Map Amendment, and Zoning Text Amendment would not have a significant effect on the environment. The 2002 Negative Declaration concluded the proposed amendments would not have a significant effect on the environment.

### **City of Indian Wells Municipal Code**

The City of Indian Wells Municipal Code outlines the rules and regulations of the City. The City's Zoning Ordinance is codified in Title 21, *Zoning Code*. The purpose of the Zoning Code is to consolidate and coordinate all zoning regulations and provisions into one comprehensive zoning ordinance in order to: designate, regulate, and restrict the location and use of land, buildings, and certain other structures for residential, commercial, or other purposes; regulate and limit the height, number of stories and size of buildings and other structures hereafter erected or altered; regulate the size of yards and other open spaces; and regulate and limit the density of population and for the purpose of dividing the City into zones of such numbers, shapes, and areas as may be deemed best suited for the optimum uses of the property within the City. The Municipal Code specifies regulations that must be followed by every project within the City's jurisdictional area.

The Municipal Code is referenced throughout this Addendum to establish the Project's baseline requirements according to the City's regulatory framework.

## 2 DESCRIPTION OF THE PROPOSED PROJECT

### 2.1 PROJECT LOCATION AND SETTING

The City of Indian Wells is located in the Coachella Valley region of Riverside County, approximately 14 miles southeast of Palm Springs; refer to Figure 1, Regional Location Map. The City is comprised of approximately 9,627 acres (15 square miles), all of which are located within the City's incorporated limits; refer to Figure 2, Indian Wells Planning Area. Indian Wells does not have a planning sphere of influence or any planning authority outside of its jurisdictional boundaries. Indian Wells is bounded by the City of Palm Desert to the north and west, by the City of La Quinta to the east, and by unincorporated areas of Riverside County to the north and south. Regional access to the City is provided by Interstate 10, a major east-west highway which provides access to Indian Wells and the Inland Empire region. State Route 74 provides access from the southwest and the San Diego metropolitan area.

### 2.2 PROJECT CHARACTERISTICS

The proposed RHNA Implementation Program Project (Project) involves text amendments to the General Plan Land Use Element and Zoning Code associated with a new land use designation and zoning district, and General Plan Land Use/Zoning Map amendment to implement the required rezoning program to accommodate the City's RHNA, as described below.

#### 2.2.1 LAND USE ELEMENT REVISIONS

The Land Use Element, including Table IIA-2. 2025 General Plan Land Use Buildout Estimate, would be revised to include a new Public Benefit (PB) land use designation and associated acreage and development potential resulting from the General Plan Land Use/Zoning Map Amendment, described below<sup>1</sup>, to allow for implementation of the proposed rezoning program:

##### **Public Benefit**

Space for the provision of uses that are beneficial to the public, including affordable housing and supporting uses, such as public park, recreation, open space, and parking.

#### 2.2.2 REZONING PROGRAM

The readopted 2021-2029 Housing Element includes Program 3 (Production of New Housing Units [Shortfall Program]) to rezone a site of at least 8 acres to address the City's lower income RHNA shortfall. The City proposes to amend Indian Wells Municipal Code Title 21, *Zoning Code*, and the General Plan Land Use/Zoning Map, as described below.

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<sup>1</sup> The proposed General Plan Land Use/Zoning Amendment would result in revisions to Table IIA-2 to reallocate 33.98 acres and 238 units from the Medium Density Residential land use designation to the new Public Benefit designation. The total General Plan buildout acreage and residential units would not change.

## **Zoning Code Amendment**

Indian Wells Municipal Code Title 21, *Zoning Code*, Chapter 21.12, *Establishment of Land Use Categories*, Section 21.12.020, *Land use categories*, would be amended to include a Public Benefit zoning district, including development standards and development characteristics; the actual designation of each area would be PB followed by a corresponding number (e.g., PB-1). The Public Benefit zoning district would provide for the development of “a limited range of uses providing public benefits, including affordable housing and supporting uses, such as public park, recreation, open space, and parking” at 8.0-24.0 dwelling units/gross acre in “Residential Area”.

Section 21.12.030, *Land use matrix*, would also be amended to include the Public Benefit zoning district within the Land Use Matrix Table.

A new Chapter 21.32, *Public Benefit Zone Development Standards*, would be added to Title 21 of the Indian Wells Municipal Code to provide development and land use regulations within the Public Benefit Zone for PB-1, including, but not be limited to, permitted uses, maximum “Residential Area”, general development requirements, residential development standards, residential design standards, nonresidential development, parking, and landscaping.

## **General Plan Land Use/Zoning Map Amendment**

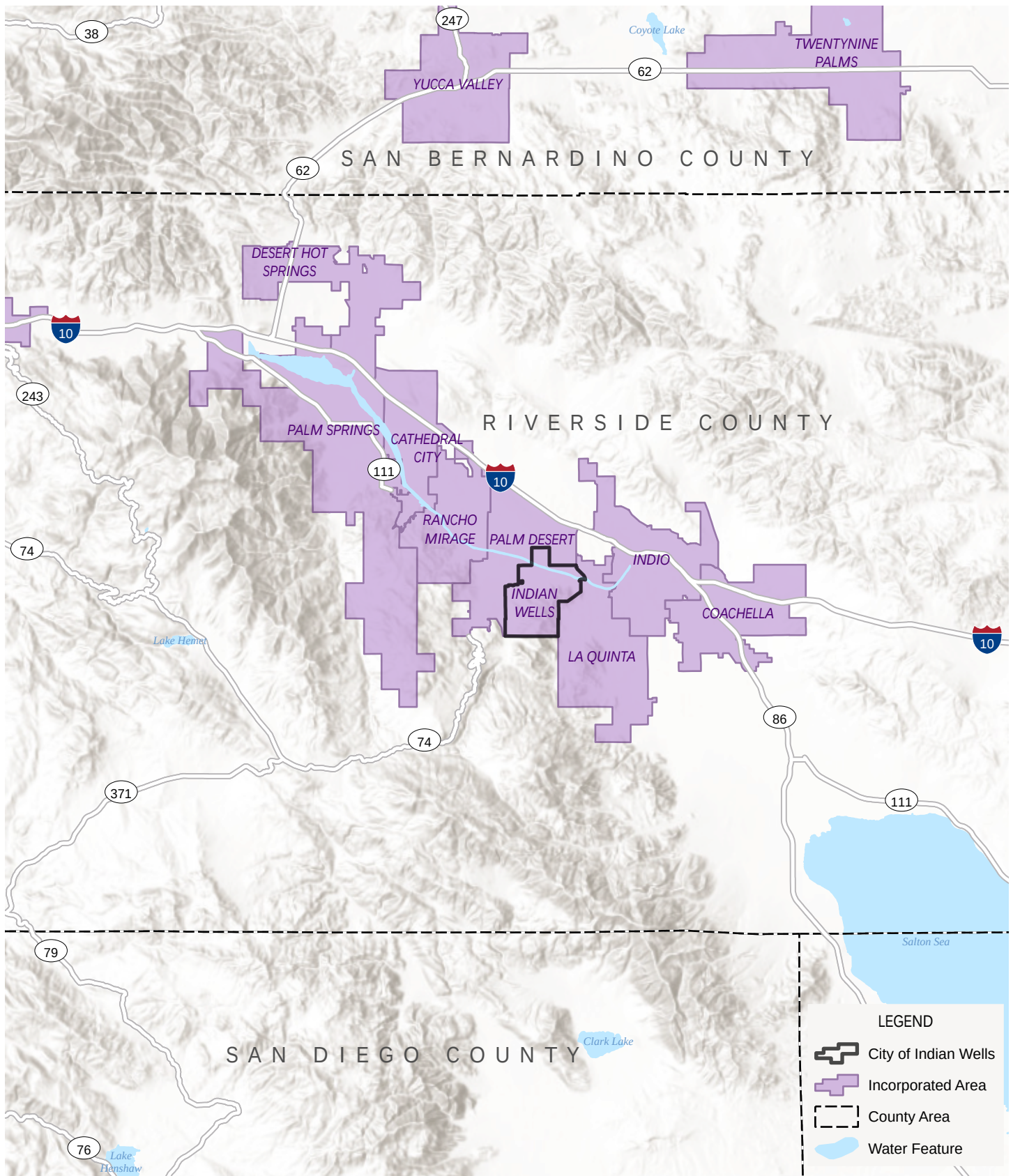
The General Plan Land Use/Zoning Map (General Plan Figure IIA-3, updated December 15, 2016) would also be amended to apply the Public Benefit (PB) land use and zoning designation to APN 633360002, a vacant and undeveloped approximately 34-acre parcel located at the northeast corner of Miles Avenue and Warner Trail; refer to Figure 3, Proposed General Plan Land Use/Zoning Map.

## **2.3 CHARACTERISTICS OF THE PROPOSED PROJECT**

The Project analyzed in this Addendum (referred to herein as the RHNA Implementation Program Project) involves the General Plan Land Use Element, Zoning Text, and General Plan Land Use/Zoning Map Amendment to develop a new Public Benefit (PB) land use and zoning designation and to update the General Plan Land Use/Zoning Map to reflect the new PB designation to parcel (APN 633360002) required to be rezoned to accommodate a portion of the City’s remaining lower income RHNA.

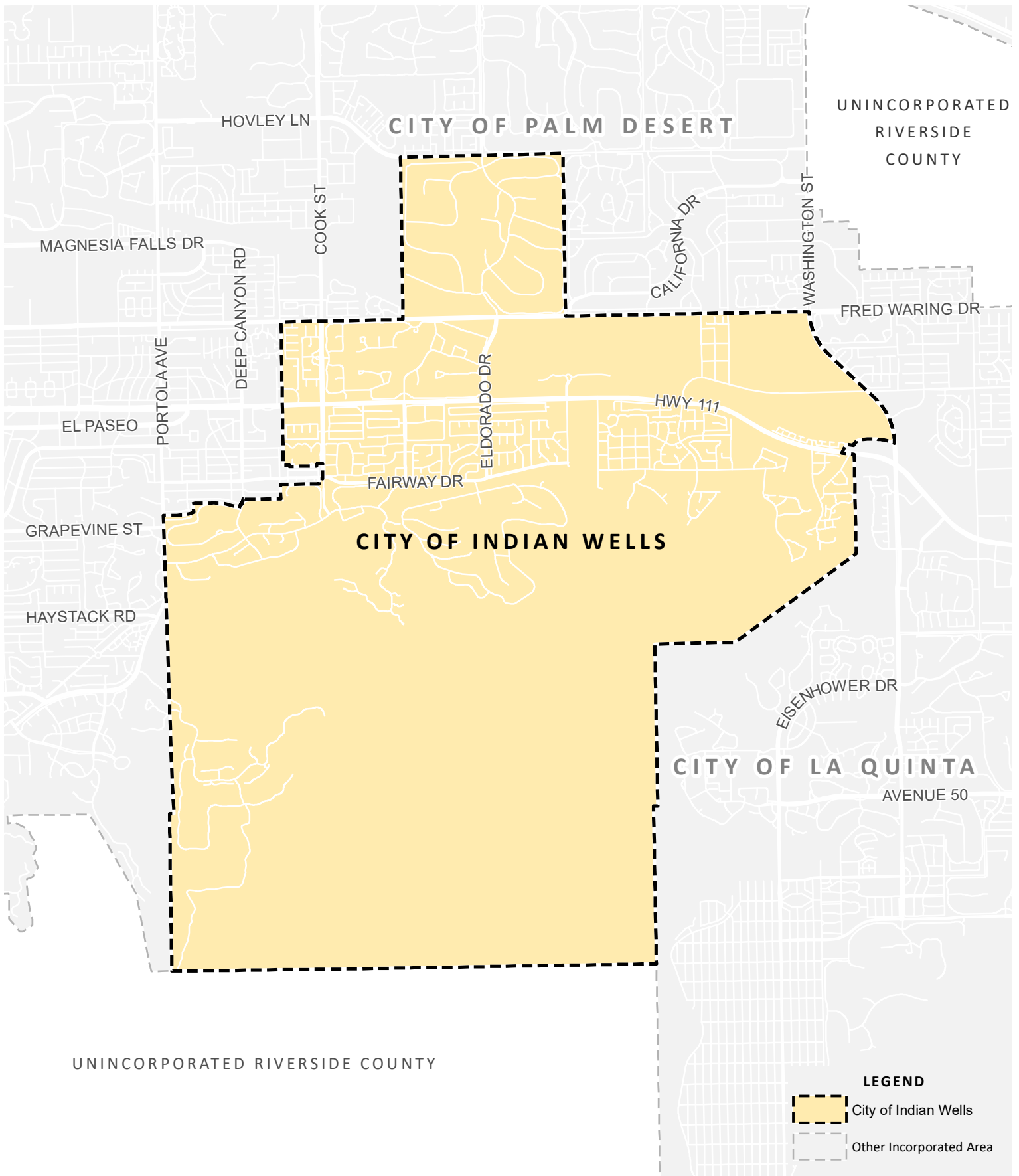
Based on the maximum density of 7.0 dwelling units per acre (General Plan Table IIA-2. 2025 General Plan Land Use Buildout Estimate), the site’s existing Medium Density Residential land use designation would allow for development of approximately 238 dwelling units. The proposed Project would allow for the development of 238 units limited to a portion of the approximately 34-acre site. Therefore, while the Project proposes a new designation to the General Plan and Zoning Code for APN 633360002, these new designations would be consistent with the maximum density currently allowed for the 34-acre site in the General Plan and with the overall residential growth currently identified and already analyzed in the General Plan FEIR.

No changes to the maximum development potential approved for the General Plan and analyzed in the General Plan FEIR would occur pursuant to the proposed Project amendments.



**CITY OF INDIAN WELLS  
RHNA IMPLEMENTATION PROGRAM PROJECT  
ADDENDUM TO THE GENERAL PLAN FEIR**

**Figure 1. Regional Map**



**CITY OF INDIAN WELLS  
RHNA IMPLEMENTATION PROGRAM PROJECT  
ADDENDUM TO THE GENERAL PLAN FEIR**

Figure 2.Indian Wells Planning Area



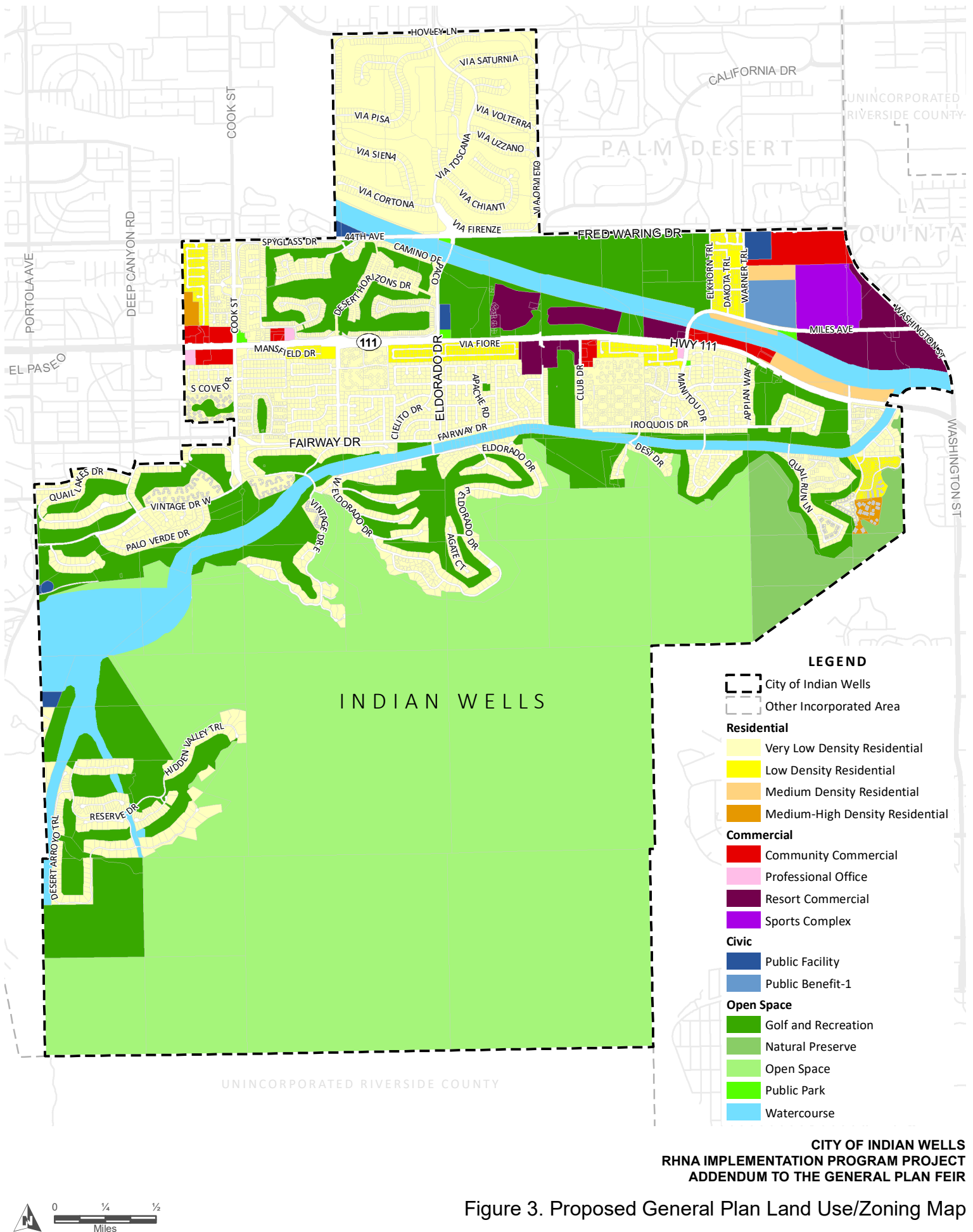


Figure 3. Proposed General Plan Land Use/Zoning Map

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### **3 ENVIRONMENTAL ANALYSIS**

This Addendum has been prepared to determine whether the proposed Project would result in any new or substantially increased significant environmental impacts in comparison to the approved project as analyzed in the previously certified General Plan FEIR. This section of the Addendum provides analysis and cites substantial evidence that support's the City's determination that the proposed Project does not meet the criteria for preparing a subsequent or supplemental EIR under CEQA Guidelines Section 15162.

The scope of the City's review of the proposed Project is limited by provisions set forth in CEQA and the State CEQA Guidelines. This review is limited to evaluating the environmental effects associated with the proposed Project to the General Plan project as set forth in the FEIR, as amended by the 2007 and 2013 Addenda. This Addendum also reviews new information, if any, of substantial importance that was not known and could not have been known with the exercise of reasonable due diligence at the time the FEIR was certified. This evaluation includes a determination as to whether the changes proposed by the Project would result in any new significant impacts or a substantial increase in a previously identified significant impact.

The section is patterned after the environmental thresholds within the General Plan FEIR and provides a summary of impacts associated with the proposed actions, as described in the FEIR, as amended by the 2007 and 2013 Addenda, and includes an analysis of the potential impacts associated with the proposed RHNA Implementation Program Project. This comparative analysis provides the City with the factual basis for determining whether any changes in the Project, any changes in circumstances, or any new information since the General Plan FEIR was certified would require additional environmental review or preparation of a Subsequent EIR or Supplemental EIR.

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### 3.1 AESTHETICS

| Thresholds:                                                                                                                                              | Substantial Change in Project Requiring Major EIR Revisions | Substantial Change in Circumstance Requiring Major EIR Revisions | Information Showing Greater Significant effects than Previous EIR | No Additional Significant Impact/ Less Than Significant Impact With Application of Mitigation from FEIR | Less Than Significant Impact/No Changes or Information Requiring Preparation of an MND or EIR | No Impact |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------|
| Except as provided in Public Resources Code Section 21099, would the project:                                                                            |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               |           |
| a. Have a substantial adverse effect on a scenic vista?                                                                                                  |                                                             |                                                                  |                                                                   |                                                                                                         | X                                                                                             |           |
| b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               | X         |
| c. Substantially degrade the existing visual character or quality of the site and its surroundings?                                                      |                                                             |                                                                  |                                                                   |                                                                                                         | X                                                                                             |           |
| d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?                                    |                                                             |                                                                  |                                                                   |                                                                                                         | X                                                                                             |           |

#### General Plan FEIR Conclusions

The topic of Aesthetics is addressed in General Plan FEIR Section 4.3, Topography and Aesthetics, as amended by the 2007 and 2013 Addenda. The General Plan FEIR concluded that full buildout under the General Plan would convert vacant land to low density residential and commercial development, potentially adversely affecting the aesthetic values of the City. Specifically, the City's character could be negatively affected through land use policies which fail to recognize and incorporate the preservation of open space and recreational areas; maintain the City's unique visual elements, including mountain views; or reduce the quality of life within the City. However, as discussed in the General Plan FEIR, the General Plan land use policies maintain the very-low and low-density character of the City. Adherence to the General Plan land use goals and policies would maintain the City's quality residential and resort character while preserving approximately 70 percent of the City in open space. As such, the General Plan FEIR determined that adherence to the General Plan Land Use and Conservation and Open Space Elements would ensure future development under the General Plan is consistent with aesthetics standards of the City. Specifically, application of open space resource policies and park and recreation policies would ensure that potential significant aesthetic impacts would be mitigated to below a level of significance.

## Project Analysis

### **a. *Would the project have a substantial adverse effect on a scenic vista?***

The Project does not propose site-specific development; rather, it involves amendments to the General Plan Land Use Element, Zoning Code, and General Plan Land Use/Zoning Map to implement the required rezoning program to accommodate the City's RHNA. The Land Use Element would be revised to include a new Public Benefit (PB) land use designation and associated acreage and development potential resulting from the General Plan Land Use/Zoning Map Amendment to allow for implementation of the proposed rezoning program. The Zoning Code would be amended to include a Public Benefit zoning district, including development and land use regulations, to implement the PB land use designation. The General Plan Land Use/Zoning Map would also be amended to apply the PB land use and zoning designation to APN 633360002, consistent with the 2021-2029 Housing Element, in order to accommodate the City's RHNA.

The Project would apply the new PB land use and zoning designation to one 34-acre parcel (APN 633360002) that is currently vacant and undeveloped. While the Project does not propose site-specific development, future redevelopment of the parcel with new residential uses would be accommodated by the proposed Project. The General Plan identifies the parcel as Medium Density Residential and allows for the development of up to 238 residential dwelling units within the parcel. Therefore, the Project would not allow for greater residential development than what was analyzed in the General Plan FEIR. As with the development anticipated in the General Plan, future residential development would be reviewed at the project level for consistency with applicable provisions related to aesthetics and scenic quality in the City's General Plan and Municipal Code. The General Plan contains a number of policies that would have the effect of reducing potential impacts to scenic vistas, including Land Use Element Policy IIA2.2, which encourages development that capitalizes on the area's natural environmental setting and preserves views of scenic hillside areas; Policy IIA2.3, which directs the City to regulate building height to avoid obtrusive breaks in the natural skyline and to be responsive to surrounding settings; and Policy IIA2.6, which requires all new development to comply with approved design standards, including but not limited to, architecture, landscaping, site design, and other development related regulations intended to enhance and promote the image of Indian Wells. In addition, the Project includes development and land use regulations within the proposed Public Benefit Zone, including, but not limited to, permitted uses, maximum "Residential Area", general development requirements, residential development standards, residential design standards, nonresidential development, parking, and landscaping. The proposed residential development and design standards would address design features such as allowable building height and minimum setbacks to reduce building massing and reduce the visual impact of new development projects from surrounding areas. Compliance with these development and land use regulations would ensure future projects within the Public Benefit Zone would be visually similar and compatible with existing development and with the development currently anticipated by the General Plan.

Following compliance with the existing and proposed General Plan policies and Municipal Code, there would be no new significant or significantly different impacts on a scenic vista as a result of the proposed Project.

**b. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?**

There are no State scenic highways within the City of Indian Wells.<sup>2</sup> The nearest officially designated State scenic highway is a portion of State Route 74 between the western boundary of the San Bernardino National Forest and State Route 111, located approximately four miles west of the parcel proposed for amendments under the Project (APN 633360002). The approximately 34-acre parcel proposed for amendments under the Project is not located adjacent to or within view of an officially designated State scenic highway; therefore, the Project would not substantially damage scenic resources within a State scenic highway. There would be no new significant or significantly different impacts related to scenic resources within a State scenic highway as a result of the proposed Project.

**c. Would the project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?**

Public Resources Code Section 21071 defines an "Urbanized area" as:

(a) An incorporated city that meets either of the following criteria:

- (1) Has a population of at least 100,000 persons.
- (2) Has a population of less than 100,000 persons if the population of that city and not more than two contiguous incorporated cities combined equals at least 100,000 persons.

According to the California Department of Finance, the City of Indian Wells has a current (2023) population of 4,774.<sup>3</sup> The adjacent City of Palm Desert has a population of 50,615, and La Quinta has a population of 37,979. Combined, the cities have a population of 93,368, which does not exceed 100,000 persons; thus, the City does not qualify as being within an "Urbanized Area." As such, a significant impact would occur if the Project would substantially degrade the existing visual character or quality of public views of the site and its surroundings.

The Project proposes a new PB land use and zoning designation to accommodate a portion of the City's remaining lower income RHNA and would apply the land use and zoning designation to one 34-acre parcel (APN 633360002) that is currently undeveloped. The parcel is bounded by Warner Trail, followed by single-family residential uses to the west; institutional uses (Gerald R. Ford Elementary School) to the north; a tennis facility (Indian Wells Tennis Garden) to the east; and

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<sup>2</sup> California Department of Transportation, California State Scenic Highway System Map. Available: <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>. Accessed: March 13, 2024.

<sup>3</sup> California Department of Finance, E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020-2023. Available: <https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/>. Accessed: March 13, 2024.

Miles Avenue, followed by the Whitewater River flood control channel to the south. Long-range views of the Santa Rosa mountain range to the south, the San Jacinto mountain range to the west, and the Little San Bernardino mountain range to the north are afforded from the site and surrounding areas.

While future residential development associated with the proposed Project would occur within an undeveloped parcel, the General Plan identifies the parcel as Medium Density Residential and allows for the development of up to 238 residential dwelling units within the parcel. Therefore, the Project would not allow for greater residential development than what was analyzed in the General Plan FEIR as amended by the 2007 and 2013 Addenda. Similar to the development anticipated in the General Plan, future residential development would be reviewed at the project level for consistency with applicable provisions related to aesthetics and scenic quality in the City's General Plan and Municipal Code, including, but not limited to, Goal IIA2 and related policies in the General Plan Land Use Element, which are aimed at maintaining the City of Indian Wells as a beautiful and aesthetically pleasing community; and Municipal Code Chapter 21.60, *Architecture and Landscape Review*, which outlines the provisions of the City's Architecture and Landscape Review procedure and is intended to ensure that the general appearance of structures, buildings and other constructed and erected objects is compatible with the existing built and landscaped environment and to ensure harmony between the structure and landscape. In addition, the Project includes development and land use regulations within the proposed Public Benefit Zone, including, but not limited to, permitted uses, maximum "Residential Area", general development requirements, residential development standards, residential design standards, nonresidential development, parking, and landscaping. Compliance with the development standards, General Plan goals and policies, and other regulations governing visual character and public views would ensure future projects within the Public Benefit Zone would not substantially degrade the existing visual character or quality of public views of the site and its surroundings.

Following compliance with the General Plan policies and Municipal Code, there would be no new significant or significantly different impacts that would substantially degrade the existing visual character or quality of public views as a result of the proposed Project.

**d. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

While future residential development associated with the proposed Project would occur within an undeveloped parcel, which could introduce new sources of light or glare, the General Plan identifies the parcel as Medium Density Residential and allows for the development of up to 238 residential dwelling units within the parcel. Therefore, the Project would not allow for greater residential development than what was analyzed in the General Plan FEIR as amended by the 2007 and 2013 Addenda. Similar to the development anticipated in the General Plan, future development projects would be reviewed at the project level for consistency with applicable provisions designed to minimize adverse effects from lighting and glare. All lighting installed as part of future residential development would be subject to conformance with applicable Municipal Code requirements, including development and design standards contained in the Zoning Code, and lighting standards contained in Chapter 22.12, *Lighting Standards*, of the Municipal Code, which requires outside

lighting to be arranged and shielded in order to prevent any glare or reflection and any nuisance or hazardous interference of any kind on adjoining streets or property.

Following compliance with the General Plan policies and Municipal Code, there would be no new significant or significantly different impacts associated with the creation of a new source of substantial light or glare as a result of the proposed Project.

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### 3.2 AGRICULTURE AND FORESTRY RESOURCES

| Thresholds:                                                                                                                                                                                                                                                                                | Substantial Change in Project Requiring Major EIR Revisions | Substantial Change in Circumstance Requiring Major EIR Revisions | Information Showing Greater Significant effects than Previous EIR | No Additional Significant Impact/ Less Than Significant Impact With Application of Mitigation from FEIR | Less Than Significant Impact/No Changes or Information Requiring Preparation of an MND or EIR | No Impact |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------|
| <b>Would the project:</b>                                                                                                                                                                                                                                                                  |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               |           |
| a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?                                             |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               | X         |
| b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?                                                                                                                                                                                                       |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               | X         |
| c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               | X         |
| d. Result in the loss of forest land or conversion of forest land to non-forest use?                                                                                                                                                                                                       |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               | X         |
| e. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?                                                                              |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               | X         |

#### General Plan FEIR Conclusions

Impacts to agriculture and forestry resources were not specifically discussed in the General Plan FEIR.

#### Project Analysis

- a. *Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*
- b. *Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

- c. ***Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?***
- d. ***Would the project result in the loss of forest land or conversion of forest land to non-forest use?***
- e. ***Would the project involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?***

The Project would not modify any existing General Plan or zoning designations that allow for or protect agriculture or forestry resources. The Project would apply the new PB land use and zoning designation to one 34-acre parcel currently designated for medium density residential uses. The parcel proposed for amendments under the Project (APN 633360002) does not contain any mapped Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program.<sup>4</sup> The parcel is not zoned for agricultural use, nor does it contain forest land or timberland. The parcel is not currently under a Williamson Act contract and is not used for agricultural or timber production. As such, the Project would not result in new agricultural or forestry resource impacts, as these resources do not occur.

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<sup>4</sup> California Department of Conservation, California Important Farmland. Available: <https://maps.conservation.ca.gov/agriculture/DataViewer/index.html>. Accessed: March 8, 2024.

### 3.3 AIR QUALITY

| Thresholds:                                                                                                                                                                                       | Substantial Change in Project Requiring Major EIR Revisions | Substantial Change in Circumstance Requiring Major EIR Revisions | Information Showing Greater Significant effects than Previous EIR | No Additional Significant Impact/ Less Than Significant Impact With Application of Mitigation from FEIR | Less Than Significant Impact/No Changes or Information Requiring Preparation of an MND or EIR | No Impact |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------|
| <b>Would the project:</b>                                                                                                                                                                         |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               |           |
| a. Conflict with or obstruct implementation of the applicable air quality plan?                                                                                                                   |                                                             |                                                                  |                                                                   | X                                                                                                       |                                                                                               |           |
| b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?                                                                                |                                                             |                                                                  |                                                                   | X                                                                                                       |                                                                                               |           |
| c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? |                                                             |                                                                  |                                                                   | X                                                                                                       |                                                                                               |           |
| d. Expose sensitive receptors to substantial pollutant concentrations?                                                                                                                            |                                                             |                                                                  |                                                                   | X                                                                                                       |                                                                                               |           |
| e. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?                                                                                 |                                                             |                                                                  |                                                                   |                                                                                                         | X                                                                                             |           |

#### General Plan FEIR Conclusions

The topic of Air Quality is addressed in General Plan FEIR Section 4.7, Air Quality.

The General Plan FEIR, as amended by the 2007 and 2013 Addenda, concluded that construction activities associated with General Plan implementation would temporarily increase PM<sub>10</sub> (fugitive dust), reactive organic compounds (ROC), nitrogen oxides (NO<sub>x</sub>), and carbon monoxide (CO) emissions in the City. Emissions generated from future construction activities would probably cause temporary increases in pollutant concentrations which could lead to violations of the Federal and State maximum concentration standards. The frequency and concentrations of such violations would depend on a number of variables, and it is not possible to make an accurate quantitative estimation of pollutant concentrations that could occur under the life of the General Plan. However, based on “worst case” estimates, emissions associated with short-term construction activities could potentially exceed South Coast Air Quality Management District (SCAQMD) significance thresholds for project operations. The General Plan FEIR determined that this is a short-term significant impact that is mitigable with implementation of SCAQMD’s rules and regulations.

The General Plan FEIR concluded that traffic generated by new development allowed under the General Plan would not cause intersections in the City to exceed SCAQMD standards for localized one-hour and eight-hour CO concentrations. Moreover, with implementation of transportation improvements recommended by the Circulation Element, all intersections would operate at acceptable levels upon buildout of the General Plan. Thus, the General Plan FEIR determined that

all potential long-term air quality impacts for carbon monoxide concentrations at intersections will be below a level of significance.

The General Plan FEIR concluded that implementation of the General Plan would cause operational increases in pollutant emissions due to increases in vehicular traffic and increases in pollutant emissions due to increases in vehicular traffic and increases in energy consumption. The General Plan FEIR estimates that emissions for all pollutants would exceed the significance thresholds established by the SCAQMD; however, this is a worst case estimate and does not account for implementation of the General Plan policies that would reduce vehicle miles traveled (VMT) and energy conservation measures, or potential benefits associated with improvements in technology. Projects occurring in the City would be evaluated on a project-specific level to ensure that operation emissions remain below project-significance levels.

The General Plan FEIR determined that short-term air quality impacts would be mitigated through implementation of SCAQMD's measures (e.g., well-maintained equipment and efficiently managed scheduling of construction operations) as individual construction projects occur. In addition, while growth within the City would contribute to incremental increases in air pollution in the City, the General Plan includes a comprehensive set of policies intended to reduce air pollution and provide for compliance with the Air Quality Management Plan, Goods Movement Plan, Congestion Management Plan, and State Implementation Plan. These include the following: encourage local efforts to improve air quality, including consideration of a comprehensive ridesharing program, dust control measures, and coordinate with the South Coast Air Basin in implementing strategies proposed in the Air Quality Management Plan to improve regional air quality; and encourage the use of non-motorized circulation in the City by maintaining a system of bicycle routes and pedestrian walkways. The General Plan FEIR determined that with implementation of air quality policies in the General Plan Conservation and Open Space Element, long-term impacts on air quality are considered less than significant.

## Project Analysis

- a. ***Would the project conflict with or obstruct implementation of the applicable air quality plan?***
- b. ***Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?***

The City of Indian Wells is located within the Riverside County portion of the Salton Sea Air Basin, under jurisdiction the SCAQMD. SCAQMD, in coordination with the Southern California Association of Governments (SCAG), is responsible for developing and implementing the Air Quality Management Plan (AQMP) for the basin in order to identify, develop, and implement strategies and control measures to achieve National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS). The most recent update to the AQMP (2022 AQMP) was adopted in 2022.

The SCAQMD recommends that, when determining whether a project is consistent with the relevant AQMPs, the lead agency should assess whether the project would directly obstruct

implementation of the plans by impeding SCAQMD's efforts to achieve attainment with respect to any criteria air pollutant for which it is currently not in attainment of the NAAQS and CAAQS and whether it is consistent with the demographic and economic assumptions (typically land use related, such as employment and population/residential units) upon which the plan is based. The most currently adopted AQMP (2022 AQMP) incorporates demographics forecasts from SCAG's Connect SoCal 2020-2045 Regional Transportation Plan/Sustainability Communities Strategy (2020-2045 RTP/SCS) and growth assumptions from the City's General Plan.

The Project does not propose site-specific development; rather, it involves amendments to the General Plan Land Use Element, Zoning Code, and General Plan Land Use/Zoning Map to implement the required rezoning program to accommodate the City's RHNA.

Criteria for determining consistency with the AQMP are defined by the following indicators:

- Criterion 1: A proposed project would not result in an increase in the frequency or severity of existing air quality violations, or cause or contribute to new violations, or delay the timely attainment of the AQMP's air quality standards or the interim emissions reductions.
- Criterion 2: A proposed project would not exceed the AQMP's assumptions or increments based on the years of the project build-out phase.

Criterion 1: While the Project does not propose site-specific development, the Project would accommodate future residential development within one 34-acre parcel (APN 633360002) that is currently designated Medium Density Residential with an allowed development potential of up to 238 residential dwelling units. The proposed Project's PB land use/zoning designation would also allow for the development of up to 238 units within the 34-acre site; as such, the Project would not allow for greater residential development than what is currently permitted. Therefore, the proposed Project would not result in an increase in the frequency or severity of existing air quality violations.

While the Project does not propose site-specific development, new development and construction activities accommodated by the Project have the potential to result in project and cumulative air quality impacts. Construction of future residential development associated with implementation of the Project has the potential to temporarily emit criteria air pollutant emissions through the use of heavy-duty construction equipment, and through vehicle trips generated by workers and haul trucks. In addition, fugitive dust emissions would result from demolition and various soil-handling activities. Operation of future residential development would generate criteria air pollutant emissions from project-generated vehicle trips traveling within the City, energy sources such as natural gas combustion, and area sources such as landscaping equipment and consumer products usage.

Similar to the development anticipated in the General Plan, potential future construction and operational activities associated with implementation of the proposed Project would result in pollutants emissions. However, the proposed amendments to the General Plan Land Use Element, Zoning Code, and General Plan Land Use/Zoning Map would not allow for greater development than what was analyzed in the General Plan FEIR. The General Plan FEIR determined that short-term construction impacts would be mitigable with implementation of SCAQMD's rules and regulations. Additionally, any development would be required to comply with the General Plan

policies established to reduce potential air quality impacts associated with future development consistent with the General Plan, including, but not limited to, Conservation and Open Space Element Policy IIIA.6.1, which encourages local efforts to improve air quality and implementation of AQMP strategies to improve regional air quality; and Community Safety Element Policy IVA1.2, which requires construction sites, and trucks hauling dirt to and from the sites, to comply with the City's PM<sub>10</sub> standards. While the exact level of construction emissions from future development of the site cannot be quantified without full detail of the development projects future development consistent with the proposed Project would be required to comply with the Air Quality Management Plan, State Implementation Plan, California Air Resources Board, South Coast Air Quality Management District regulations, California Code of Regulations Title 24 energy efficiency standards, and implement the General Plan policies, which would reduce emissions.

Criterion 2: Criterion 2 refers to whether the Project would exceed the AQMP's assumptions or increments based on the years of the project build-out phase. A project is consistent with the 2022 AQMP in part if it is consistent with the population, housing, and employment assumptions that were used in the development of the 2022 AQMP. The emissions inventory for SCAB is formed, in part, by existing city and county General Plans. The AQMP is based on population, employment, and VMT forecasts by SCAG. A project might be in conflict with the AQMP if the development is greater than that anticipated in the local general plans and SCAG's growth projections. As previously described, the Project would not allow for greater development than is currently permitted under the General Plan, which was used as part of SCAG's regional population, housing, and employment assumptions. As such, the Project would be consistent with the projections.

Conclusion: The Project would not result in new air quality impacts beyond those identified in the General Plan FEIR. The proposed amendments to the General Plan Land Use Element, Zoning Code, and General Plan Land Use/Zoning Map would be consistent with the residential growth anticipated by the General Plan FEIR. Further, any future residential development within the 34-acre site would be required to comply with the General Plan policies established to reduce potential air quality impacts associated with future development consistent with the General Plan, including, but not limited to, Conservation and Open Space Element Policy IIIA.6.1, which encourages local efforts to improve air quality and implementation of AQMP strategies to improve regional air quality; and Community Safety Element Policy IVA1.2, which requires construction sites, and trucks hauling dirt to and from the sites, to comply with the City's PM<sub>10</sub> standards. Following compliance with the General Plan policies and General Plan FEIR mitigation measures, which include implementation of existing SCAQMD rules to minimize pollutant emissions (e.g., watering for dust control, tuning of equipment, limiting truck traffic to non-peak hours), there would be no new significant or significantly different impacts resulting from conflicts with or obstructing implementation of the AQMP or exceedance of criteria pollutant thresholds as a result of the proposed Project.

**c. *Would the project expose sensitive receptors to substantial pollutant concentrations?***

While the Project does not propose site-specific development, new development and construction activities accommodated by the Project have the potential to expose sensitive receptors to substantial pollutant concentrations. Construction activities associated with future development projects under the Project would be localized within the immediate vicinity. Compliance with regulatory requirements would be required, including, but not limited to, SCAQMD rules and

regulations, which would greatly reduce pollution concentrations generated during construction activities. Additionally, the Project would not allow for greater residential development than what is currently permitted under the General Plan, and would not result in increased operational emissions. Following compliance with the General Plan policies and General Plan FEIR mitigation measures, which include implementation of existing SCAQMD rules to minimize pollutant emissions (e.g., watering for dust control, tuning of equipment, limiting truck traffic to non-peak hours), there would be no new significant or significantly different impacts resulting from the exposure of sensitive receptors to substantial pollutant concentrations as a result of the proposed Project.

**d. *Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?***

While the Project does not propose site-specific development, the Project would accommodate future residential development within one 34-acre parcel (APN 633360002). This parcel is currently designated Medium Density Residential with an allowed development potential of up to 238 residential dwelling units. The proposed Project's PB land use/zoning designation would allow for the development of up to 238 units within the 34-acre site; as such, the Project would not allow for greater residential development than what is currently permitted.

The proposed Project would not generate objectionable odors that would adversely affect substantial numbers of people. People in the immediate vicinity of construction activities may be subject to temporary odors typically associated with construction activities (diesel exhaust, hot asphalt, etc.). However, any odors generated by construction activities would be minor and would be temporary in duration. Residential uses, such as those that would be allowed within the PB designation, are typically not associated with other emissions such as odor sources. Therefore, the proposed Project would not create objectionable odors. Following compliance with the General Plan policies and General Plan FEIR mitigation measures, which include implementation of existing SCAQMD rules to minimize pollutant emissions (e.g., watering for dust control, tuning of equipment, limiting truck traffic to non-peak hours), there would be no new significant or significantly different impacts related to other emissions such as odors as a result of the proposed Project.

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### 3.4 BIOLOGICAL RESOURCES

| Thresholds:                                                                                                                                                                                                                                                                                                      | Substantial Change in Project Requiring Major EIR Revisions | Substantial Change in Circumstance Requiring Major EIR Revisions | Information Showing Greater Significant effects than Previous EIR | No Additional Significant Impact/ Less Than Significant Impact With Application of Mitigation from FEIR | Less Than Significant Impact/No Changes or Information Requiring Preparation of an MND or EIR | No Impact |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------|
| <b>Would the project:</b>                                                                                                                                                                                                                                                                                        |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               |           |
| a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? |                                                             |                                                                  |                                                                   | X                                                                                                       |                                                                                               |           |
| b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?                                                               |                                                             |                                                                  |                                                                   | X                                                                                                       |                                                                                               |           |
| c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?                                             |                                                             |                                                                  |                                                                   | X                                                                                                       |                                                                                               |           |
| d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?                                                                               |                                                             |                                                                  |                                                                   | X                                                                                                       |                                                                                               |           |
| e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?                                                                                                                                                                              |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               | X         |
| f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?                                                                                                                             |                                                             |                                                                  |                                                                   |                                                                                                         | X                                                                                             |           |

## General Plan FEIR Conclusions

The topic of Biological Resources is addressed in General Plan FEIR Section 4.5, Biological Resources. The General Plan FEIR, as amended by the 2007 and 2013 Addenda, concluded that implementation of development under the General Plan could result in significant impacts to: sensitive vegetation types and sensitive plant or animal species; and local migratory routes of resident wildlife species. This is considered a significant but mitigable impact. The General Plan FEIR includes a mitigation measure that would require a complete biological survey to be conducted by a qualified biologist prior to development of future individual projects. The General Plan FEIR concluded that a current biological survey would ensure that any potential significant impacts to sensitive vegetation types or sensitive plant or animal species can be avoided or reduced to a level less than significant. Ultimately, the General Plan FEIR determined that following implementation of the General Plan FEIR mitigation measure and implementation of policies from the General Plan Conservation and Open Space Element, future development under the General Plan will have an impact below the level of significance on biological resources.

## Project Analysis

- a. ***Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?***
- b. ***Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?***
- c. ***Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?***

The Project does not propose site-specific development; rather, it involves amendments to the General Plan Land Use Element, Zoning Code, and General Plan Land Use/Zoning Map to implement the required rezoning program to accommodate the City's RHNA. While the Project does not propose site-specific development, the Project would accommodate future residential development within one 34-acre parcel (APN 633360002) that is currently designated Medium Density Residential with an allowed development potential of up to 238 residential dwelling units. The proposed Project's PB land use/zoning designation would also allow for the development of up to 238 units within the 34-acre site; as such, the Project would not allow for greater residential development than what is currently permitted.

The parcel is generally bounded by roadways and development; however, the Whitewater River flood control channel runs in an easterly direction south of the parcel. The Fish and Wildlife Service's National Wetlands Inventory identifies the Whitewater River as containing riverine

habitat.<sup>5</sup> Future development within the undeveloped parcel has the potential to adversely impact special status species, riparian habitat, or sensitive natural communities, including federally protected wetlands. However, the Project would not result in new impacts to biological resources beyond those identified in the General Plan FEIR. Similar to the development anticipated in the General Plan, future residential development would be reviewed at the project level for consistency with applicable provisions related to biological resources in the City's General Plan and Municipal Code. Future residential development would be subject to conformance with applicable federal, State, and local laws and regulations and would be guided by relevant General Plan policies, including, but not limited to, Conservation and Open Space Element Policy IIIA4.1, which directs development away from areas of sensitive biological habitat, unless effective mitigation measures can be implemented, and requires the preparation of a biological study for development proposals in areas of "high ecological sensitivity"; and Policy IIIA4.2, which requires development proposals to identify significant biological resources and provide mitigation including the use of adequate buffering, selective preservation, the provision of replacement habitats, the use of sensitive site planning techniques and other appropriate measures. Following compliance with the General Plan policies and General Plan FEIR mitigation measures, which include requirements for a biological survey to be conducted by a qualified biologist prior to development of future individual projects, there would be no new significant or significantly different impacts to candidate, sensitive, or special status species, riparian habitat, or wetlands as a result of the proposed Project.

**d. *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?***

The parcel proposed to receive the new PB designation is currently undeveloped and designated for medium density residential use. The parcel is generally bounded by roadways and development; however, as previously noted, the Whitewater River flood control channel runs in an easterly direction south of the parcel. Due to the developed nature of the area, future development within the undeveloped parcel is not likely to interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. The Project would not remove existing open space or allow for development within the Whitewater River flood control channel, located south of Miles Avenue. Similar to the development anticipated in the General Plan, future residential development would be reviewed at the project level for consistency with applicable provisions related to biological resources in the City's General Plan and Municipal Code. Future residential development would be subject to conformance with applicable federal, State, and local laws and regulations and would be guided by relevant General Plan policies, including, but not limited to, Conservation and Open Space Element Policy IIIA4.1, which directs development away from areas of sensitive biological habitat, unless effective mitigation measures can be implemented, and requires the preparation of a biological study for development proposals in areas of "high ecological sensitivity"; and Policy IIIA4.2, which requires development proposals to

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<sup>5</sup> U.S. Fish and Wildlife Service, National Wetlands Inventory. Available: <https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>. Accessed: March 15, 2024.

identify significant biological resources and provide mitigation including the use of adequate buffering, selective preservation, the provision of replacement habitats, the use of sensitive site planning techniques and other appropriate measures. Following compliance with the General Plan policies and General Plan FEIR mitigation measures, which include requirements for a biological survey to be conducted by a qualified biologist prior to development of future individual projects, there would be no new significant or significantly different impacts related to the movement of any fish or wildlife species or with wildlife corridors, or nursery sites, as a result of the proposed Project.

**e. *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?***

The Project does not propose site-specific development. Similar to the development anticipated in the General Plan, future residential development associated with the Project would be reviewed at the project level for consistency with applicable provisions related to biological resources in the City's General Plan and Municipal Code, including, but not limited to, Conservation and Open Space Element Policy IIIA4.1, which directs development away from areas of sensitive biological habitat, unless effective mitigation measures can be implemented, and requires the preparation of a biological study for development proposals in areas of "high ecological sensitivity"; Policy IIIA4.2, which requires development proposals to identify significant biological resources and provide mitigation including the use of adequate buffering, selective preservation, the provision of replacement habitats, the use of sensitive site planning techniques and other appropriate measures; and Policy IIIA1.3, which encourages the use of indigenous palm trees in development projects and the preservation of existing trees where feasible to do so. Future residential development would be subject to conformance with applicable federal, State, and local laws and regulations and would be guided by relevant General Plan policies. Following compliance with the General Plan policies and General Plan FEIR mitigation measures, which include requirements for a biological survey to be conducted by a qualified biologist prior to development of future individual projects, there would be no new significant or significantly different impacts related to conflicts with any local policies or ordinances protecting biological resources as a result of the proposed Project.

**f. *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?***

The City of Indian Wells is a permittee under the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and is located within the CVMSHCP area.<sup>6</sup> The parcel proposed to receive the PB designation is not located in a Conservation Area designated by the CVMSHCP. Implementation of the Project is not expected to conflict with the provisions of the CVMSHCP. The Project would not remove existing open space or allow for new or greater residential development than what was analyzed in the General Plan FEIR. Similar to the development anticipated in the General Plan, future residential development would be reviewed at the project level for consistency with applicable provisions related to biological resources in the City's General Plan and Municipal

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<sup>6</sup> Coachella Valley Conservation Commission, Coachella Valley Multiple Species Habitat Conservation Plan. Available: <https://cvmshcp.org/plan-documents/>. Accessed: March 13, 2024.

Code and other regional regulations, including the CVMSHCP. Applicable policies in the General Plan include, but are not limited to, Conservation and Open Space Element Policy IIIA4.4, which directs the City to continue to be a participant in the CVMSHCP. Following compliance with the General Plan policies and General Plan FEIR mitigation measures, which include requirements for a biological survey to be conducted by a qualified biologist prior to development of future individual projects, the Project would not conflict with the provisions of the CVMSHCP or any other habitat conservation plan or natural community conservation plan. There would be no new significant or significantly different impacts related to this topic as a result of the proposed Project.

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### 3.5 CULTURAL RESOURCES

| Thresholds:                                                                                                    | Substantial Change in Project Requiring Major EIR Revisions | Substantial Change in Circumstance Requiring Major EIR Revisions | Information Showing Greater Significant effects than Previous EIR | No Additional Significant Impact/ Less Than Significant Impact With Application of Mitigation from FEIR | Less Than Significant Impact/No Changes or Information Requiring Preparation of an MND or EIR | No Impact |
|----------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------|
| <b>Would the project:</b>                                                                                      |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               |           |
| a. Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?      |                                                             |                                                                  |                                                                   | X                                                                                                       |                                                                                               |           |
| b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? |                                                             |                                                                  |                                                                   | X                                                                                                       |                                                                                               |           |
| c. Disturb any human remains, including those interred outside of formal cemeteries)?                          |                                                             |                                                                  |                                                                   | X                                                                                                       |                                                                                               |           |

#### General Plan FEIR Conclusions

The topic of Cultural Resources is addressed in General Plan FEIR Section 4.12, Cultural Resources. As discussed in the General Plan FEIR, as amended by the 2007 and 2013 Addenda, the City contains several areas of sensitivity with regard to cultural resource isolates, features, and sites of both the historic and prehistoric eras. The General Plan FEIR concluded that excavation and grading from implementation of future development projects under the General Plan could damage or destroy significant cultural resources. This is considered a significant, but mitigable impact. The General Plan FEIR lists several mitigation measures to reduce potential impacts to cultural resources. Mitigation measures include the City's Archaeological Resource Policy, which includes policy requirements identified in the CEQA Guidelines and established a process for the early identification and preservation of cultural resources within the City. The General Plan FEIR also includes a project-level mitigation measure stating that a qualified archaeological monitor should be present during demolition and preliminary grading in the areas of the project where building construction either pre-dates 1940 or have the potential to contain sensitive archaeological isolates, features, or sites. The General Plan FEIR determined that with implementation of the General Plan FEIR mitigation measures listed above and implementation of policies IIIA3.1 and IIIA3.2 from the General Plan Conservation and Open Space Element, potential impacts to archaeological resources would be reduced to less than a significant level.

#### Project Analysis

- a. *Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?*
- b. *Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?*

**c. *Disturb any human remains, including those interred outside of dedicated cemeteries?***

The Project does not propose site-specific development; rather, it involves amendments to the General Plan Land Use Element, Zoning Code, and General Plan Land Use/Zoning Map to implement the required rezoning program to accommodate the City's RHNA. While the Project does not propose site-specific development, the Project would accommodate future residential development within one 34-acre parcel (APN 633360002) that is currently designated Medium Density Residential with an allowed development potential of up to 238 residential dwelling units. The proposed Project's PB land use/zoning designation would also allow for the development of up to 238 units within the 34-acre site; as such, the Project would not allow for new or greater residential development than what is currently permitted and analyzed in the General Plan FEIR.

As part of previous activities associated with the 34-acre parcel, a Historical/Archaeological Resources Survey Report (Phase I) and Phase II Archaeological Testing have been prepared specific to the site.<sup>7,8</sup> During the preliminary research conducted for the Phase I, researchers found that two archaeological sites were previously recorded as lying within or partially within the site (Recorded Sites). Due to the possibility of buried cultural remains, further investigations, including test excavations were recommended to assess the archaeological data potential and the historic significance of the Recorded Sites. Phase II archaeological testing was conducted in June 2022 and identified significant cultural resources on the Recorded Sites.

These steps were taken consistent with the General Plan FEIR, which includes mitigation to reduce potential significant impacts to cultural resources by requiring that sites proposed for future development be evaluated for archaeological resources either through a literature search or by a certified archaeologist in accordance with CEQA (General Plan Policy IIIA3.2). To the extent the General Plan FEIR recommends avoiding potential impacts to cultural resources by requiring sites proposed for future development be evaluated for archaeological resources in accordance with CEQA, this mitigation measure (General Plan Policy IIIA3.2) has been complied with through preparation of these studies. The specific location for future development of affordable housing within the site would be determined based on the results of ongoing discussions with consulting Native American tribes regarding the final disposition of cultural resources. Thus, there would be no new significant or significantly different impacts to historic and archaeological resources or human remains as a result of the proposed Project.

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<sup>7</sup> CRM TECH, Historical/Archeological Resources Survey Report, Assessor's Parcel Number 663-360-002, City of Indian Wells, Riverside County, California, December 2021.

<sup>8</sup> CRM TECH, Phase II Archaeological Testing of Site 33-003007 and a Portion of Site 33-000064 Within Assessor's Parcel Number 633-360-002, City of Indian Wells, Riverside County, California, July 2022.

### 3.6 ENERGY

| Thresholds:                                                                                                                                                                       | Substantial Change in Project Requiring Major EIR Revisions | Substantial Change in Circumstance Requiring Major EIR Revisions | Information Showing Greater Significant effects than Previous EIR | No Additional Significant Impact/ Less Than Significant Impact With Application of Mitigation from FEIR | Less Than Significant Impact/No Changes or Information Requiring Preparation of an MND or EIR | No Impact |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------|
| <b>Would the project:</b>                                                                                                                                                         |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               |           |
| a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? |                                                             |                                                                  |                                                                   |                                                                                                         | X                                                                                             |           |
| b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?                                                                                     |                                                             |                                                                  |                                                                   |                                                                                                         | X                                                                                             |           |

#### General Plan FEIR Conclusions

The City certified the General Plan FEIR before Appendix G of the State CEQA Guidelines was revised to include a checklist item specific to a project's impacts relating to Energy. As such, the General Plan FEIR, as amended by the 2007 and 2013 Addenda, does not include a stand-alone Energy analysis section. However, the topic of energy is addressed in General Plan FEIR Section 4.10, Public Services/Utilities. As discussed in the General Plan FEIR, gas and electric agencies have indicated that gas and electrical loads anticipated for buildout of the General Plan are within the parameters of the overall projected load growth in the area. The General Plan FEIR concluded that development allowed under the General Plan would not significantly impact the service companies now providing natural gas and electricity in their ability to provide these services to meet projected demand. Additionally, the General Plan Conservation and Open Space Element contains policies pertaining to natural gas and electricity which must be adhered to, including encouraging the use of site planning techniques, building orientation, and building design that reduce energy use; encouraging energy conservation by incorporating into City codes planning and building standards which minimize consumption of non-renewable resources; and working with Southern California Edison and the Imperial Irrigation District to develop and implement programs to reduce electrical demand in residential and commercial developments. The General Plan FEIR determined that no mitigation is necessary provided the General Plan Conservation and Open Space Element goals and policies are adhered to.

## Project Analysis

- a. ***Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?***
- b. ***Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?***

The Project would not result in new energy impacts beyond those identified in the General Plan FEIR. The proposed amendments to the General Plan Land Use Element, Zoning Code, and General Plan Land Use/Zoning Map would be consistent with the residential growth anticipated by the General Plan FEIR and would not allow for new or greater residential development than what was analyzed in the General Plan FEIR. Similar to the development anticipated in the General Plan, future residential development would be reviewed at the project level for consistency with existing regulations related to energy efficiency standards. As such, the Project would not be expected to cause an inefficient, wasteful, or unnecessary use of energy resources nor conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The General Plan includes goals and policies to reduce potential impacts to energy resources, including, but not limited to, Conservation and Open Space Element Policy IIIA7.2, which directs the City to incorporate planning and building standards which minimize consumption of non-renewable resources, such as natural gas and fossil fuels, into City codes; Policy IIIA7.3, which directs the City to encourage a Green Building program that awards incentives for projects that install energy conservation measures; and Policy IIIA7.9, which directs the City to encourage the use of site planning techniques, building orientation, and building designs that reduce energy use. Any future development would be reviewed for consistency with State energy efficiency standards, including the California Energy Code and California Green Building Standards Code, as adopted by the City of Indian Wells, as well as General Plan policies aimed to reduce potential impacts to energy resources. Following compliance with the General Plan policies and existing regulations, there would be no new significant or significantly different impacts related to energy as a result of the proposed Project.

### 3.7 GEOLOGY AND SOILS

| Thresholds:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Substantial Change in Project Requiring Major EIR Revisions | Substantial Change in Circumstance Requiring Major EIR Revisions | Information Showing Greater Significant effects than Previous EIR | No Additional Significant Impact/ Less Than Significant Impact With Application of Mitigation from FEIR | Less Than Significant Impact/No Changes or Information Requiring Preparation of an MND or EIR | No Impact |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------|
| Would the project:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               |           |
| a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: <ul style="list-style-type: none"> <li>Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</li> <li>Strong seismic ground shaking?</li> <li>Seismic-related ground failure, including liquefaction?</li> <li>Landslides?</li> </ul> |                                                             |                                                                  |                                                                   |                                                                                                         | X                                                                                             |           |
| b. Result in substantial soil erosion or the loss of topsoil?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                             |                                                                  |                                                                   |                                                                                                         | X                                                                                             |           |
| c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?                                                                                                                                                                                                                                                                                                                                                                  |                                                             |                                                                  |                                                                   |                                                                                                         | X                                                                                             |           |
| d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                             |                                                                  |                                                                   |                                                                                                         | X                                                                                             |           |
| e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?                                                                                                                                                                                                                                                                                                                                                                                                               |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               | X         |
| f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                             |                                                                  |                                                                   | X                                                                                                       |                                                                                               |           |

#### General Plan FEIR Conclusions

The topic of Geology and Soils is addressed in General Plan FEIR Section 4.8, Geology, Soils, and Seismicity. Paleontological resources are addressed in General Plan FEIR Section 4.13, Paleontology. The General Plan FEIR, as amended by the 2007 and 2013 Addenda, concluded that

vacant or recently graded land located within the alluvial fan areas of the City have slight to moderate soil blowing and erosion hazards. Soils within the floodplain and valley floor areas of the City have high blowsand hazards. These lands may be subject to high wind erosion and water erosion potential when disturbed by construction grading operations and severe weather conditions. Additionally, due to the proximity of major active fault zones to the City and sphere of influence area, the potential exists for significant groundshaking to occur throughout the City and landslide/rockfall hazards to occur in the mountains and foothills within the City. The General Plan FEIR determined that implementation of the General Plan Conservation and Open Space and Community Safety Element goals and policies, including policies IVA1.1, IVA1.2, IVA2.1, IVA2.2, IVA2.3, IVA2.4, IVA2.5, and IIIA5.4, would mitigate significant seismic and erosion/blowsand hazard impacts to a level that is less than significant.

The General Plan FEIR concluded that excavation and grading from implementation of future development projects under the General Plan may impact geologic formations that are designated with potential paleontological sensitivity. This is considered a significant, but mitigatable impact. The General Plan FEIR includes mitigation measures to reduce potential impacts, including requiring sites proposed for future development to be evaluated for paleontological resources either through a literature search or by a certified paleontologist in accordance with CEQA. The mitigation measure requires that all public and private development projects in areas of high potential for paleontological resources be reviewed and strict adherence to CEQA guidelines for environmental documentation and mitigation measures shall be required. The General Plan FEIR determined that with implementation of the mitigation measures and General Plan Conservation and Open Space Element goals and policies, including policies IIIA3.2 and IIIA3.1, potentially significant impacts to paleontological resources would be reduced to a level that is less than significant.

## **Project Analysis**

- a. *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:***
- ***Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.***
  - ***Strong seismic ground shaking?***
  - ***Seismic-related ground failure, including liquefaction?***
  - ***Landslides?***

The Project does not propose site-specific development; rather, it involves amendments to the General Plan Land Use Element, Zoning Code, and General Plan Land Use/Zoning Map to implement the required rezoning program to accommodate the City's RHNA. While the Project does not propose site-specific development, the Project would accommodate future residential development within one 34-acre parcel (APN 633360002) that is currently designated Medium Density

Residential with an allowed development potential of up to 238 residential dwelling units. The proposed Project's PB land use/zoning designation would also allow for the development of up to 238 units within the 34-acre site; as such, the Project would not allow for new or greater residential development than what is currently permitted and analyzed in the General Plan FEIR.

Rupture of Known Fault on the Alquist-Priolo Map. The City of Indian Wells is not located within a designated Alquist-Priolo fault zone;<sup>9</sup> therefore, the proposed Project would not expose people or structures to potentially substantial adverse effects involving rupture of a known earthquake fault.

Seismic Ground Shaking, Seismic-related Ground Failure (i.e., liquefaction), and Landslides. Similar to the development anticipated in the General Plan, the potential for residential development accommodated through implementation of the Project would occur in a seismically active region and could expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. According to the California Geological Survey, the City is not located within a designated liquefaction or landslide zone.<sup>10</sup> The Indian Wells General Plan further states that there are no areas of potential liquefaction in the City and landslides are not likely to occur in the City.<sup>11</sup> Future residential development would be subject to conformance with applicable federal, State, and local laws and regulations, including seismic design standards in the California Building Standards Code (CBSC), as adopted and amended by Title 16, *Buildings and Construction*, of the Indian Wells Municipal Code. Additionally, the Indian Wells General Plan includes goals and policies related to seismic hazards, including, but not limited to, Community Safety Element Policy IVA2.1, which directs the City to adopt and maintain high standards for seismic performance of buildings through prompt adoption and careful enforcement of the most current seismic standards of the Uniform Building Code; and Policy IVA2.3, which requires geological and soils engineering studies for developments in or adjacent to hillsides to assure safety from potential landslides and/or rockfalls. Following compliance with existing regulations and relevant General Plan goals and policies, there would be no new significant or significantly different impacts associated with potential substantial adverse effects involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, and landslides as a result of the proposed Project.

**b. Result in substantial soil erosion or the loss of topsoil?**

Similar to the development anticipated in the General Plan, construction activities for future residential development accommodated through implementation of the Project would displace soils and temporarily increase the potential for soils to be subject to wind and water erosion. Construction-related impacts to soils would be short-term and would cease upon completion of construction. In addition, all new development projects would be required to comply with National

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<sup>9</sup> California Department of Conservation, California Geological Survey, Earthquake Zones of Required Investigation. Available: <https://maps.conservation.ca.gov/cgs/EQZApp/app/>. Accessed: March 14, 2024.

<sup>10</sup> California Department of Conservation, California Geological Survey, Earthquake Zones of Required Investigation. Available: <https://maps.conservation.ca.gov/cgs/EQZApp/app/>. Accessed: March 14, 2024.

<sup>11</sup> City of Indian Wells, City of Indian Wells 1996 General Plan, February 1996 (amended 2016).

Pollution Discharge Elimination System (NPDES) standards. Compliance with NPDES permit regulations would ensure that best management practices (BMPs) are implemented to control accelerated erosion and sedimentation pollution associated with land development projects. In addition, future grading activities associated with new development would be required to be performed according to a grading plan approved by the City, as required by Title 18, *Excavations and Land Fills*, of the Municipal Code. Following compliance with existing regulations and relevant General Plan goals and policies, including Community Safety Element Policy IVA1.1, which requires conformance with the City's PM<sub>10</sub> Ordinance and directs the City to evaluate the need for permanent control devices in particularly windy areas to be installed prior to project grading, there would be no new significant or significantly different impacts associated with substantial soil erosion or the loss of topsoil as a result of the proposed Project.

- c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**
- d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?**

Similar to the development anticipated in the General Plan, future residential development accommodated through implementation of the Project could occur in areas located on a geologic unit or soil that is unstable, and/or expansive soils. As stated above, the City is not located within a designated liquefaction or landslide zone.<sup>12</sup> Additionally, according to the Indian Wells General Plan, there are no areas of potential liquefaction or subsidence in the City and landslides are not likely to occur in the City.<sup>13</sup> Due to the low potential for liquefaction, the potential for lateral spreading to occur would also be considered low. Future residential development would be reviewed at the project level for consistency with the General Plan and Municipal Code. The General Plan Community Safety Element includes Policy IVA2.1, which directs the City to adopt and maintain high standards for seismic performance of buildings through prompt adoption and careful enforcement of the most current seismic standards of the Uniform Building Code; and Policy IVA2.3, which requires geological and soils engineering studies for developments in or adjacent to hillsides to assure safety from potential landslides and/or rockfalls. Prior to excavation or grading activities, future new development would be required to obtain a permit as required by Title 18, *Excavations and Land Fills*, of the Municipal Code and provide a grading report, soils report, and, when required by the building director, a geologist's report. Following compliance with existing regulations and relevant General Plan goals and policies, there would be no new significant or significantly different impacts associated with unstable geologic units or hazards due to expansive soil as a result of the proposed Project.

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<sup>12</sup> California Department of Conservation, California Geological Survey, Earthquake Zones of Required Investigation. Available: <https://maps.conservation.ca.gov/cgs/EQZApp/app/>. Accessed: March 14, 2024.

<sup>13</sup> City of Indian Wells, City of Indian Wells 1996 General Plan, February 1996 (amended 2016).

**e. *Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?***

Future residential development accommodated through implementation of the Project would be required to connect to the public sewer system, as required by Title 14, *Water and Sewers*, of the Municipal Code. There would be no new significant or significantly different impacts associated with the use of septic tanks or alternative waste water disposal systems as a result of the proposed Project.

**f. *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?***

As previously stated, the Project does not propose site-specific development. Similar to the development anticipated in the General Plan, future residential development accommodated through implementation of the Project could occur in areas that contain previously undiscovered paleontological resources or unique geologic features. Future residential development would be reviewed at the project level for consistency with the General Plan and Municipal Code. As demonstrated in the General Plan FEIR, the General Plan contains goals and policies that address paleontological resources, including Conservation and Open Space Element Policy IIIA3.1, which directs the City to review all public and private development projects in areas of high potential for archaeological/paleontological resources and require strict adherence to CEQA guidelines for environmental documentation and mitigation measures; and Policy IIIA3.2, which requires sites proposed for future development to be evaluated for archaeological and paleontological resources either through a literature search or survey by a certified archaeologist or paleontologist in accordance with CEQA. In addition, the General Plan FEIR includes mitigation measures (General Plan Policy IIIA3.2 and Policy IIIA3.1) to reduce potential impacts to paleontological resources, including requiring sites proposed for future development to be evaluated for paleontological resources either through a literature search or by a certified paleontologist in accordance with CEQA. The mitigation measure (General Plan Policy IIIA3.1) requires that all public and private development projects in areas of high potential for paleontological resources be reviewed and strict adherence to CEQA guidelines for environmental documentation and mitigation measures shall be required. Following compliance with the General Plan policies and General Plan FEIR mitigation measures, including requiring sites proposed for future development to be evaluated for paleontological resources either through a literature search or by a certified paleontologist in accordance with CEQA, there would be no new significant or significantly different impacts to paleontological resources as a result of the proposed Project.

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### 3.8 GREENHOUSE GAS EMISSIONS

| Thresholds:                                                                                                                      | Substantial Change in Project Requiring Major EIR Revisions | Substantial Change in Circumstance Requiring Major EIR Revisions | Information Showing Greater Significant effects than Previous EIR | No Additional Significant Impact/ Less Than Significant Impact With Application of Mitigation from FEIR | Less Than Significant Impact/No Changes or Information Requiring Preparation of an MND or EIR | No Impact |
|----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------|
| <b>Would the project:</b>                                                                                                        |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               |           |
| a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?      |                                                             |                                                                  |                                                                   |                                                                                                         | X                                                                                             |           |
| b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? |                                                             |                                                                  |                                                                   |                                                                                                         | X                                                                                             |           |

#### General Plan FEIR Conclusions

The City certified the General Plan FEIR before Appendix G of the State CEQA Guidelines was revised to include a checklist item specific to a project's impacts relating to Greenhouse Gas Emissions (GHG).

#### Project Analysis

- a. ***Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?***
- b. ***Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?***

The Project does not propose site-specific development; rather, it involves amendments to the General Plan Land Use Element, Zoning Code, and General Plan Land Use/Zoning Map to implement the required rezoning program to accommodate the City's RHNA. While the Project does not propose site-specific development, the Project would accommodate future residential development within one 34-acre parcel (APN 633360002) that is currently designated Medium Density Residential with an allowed development potential of up to 238 residential dwelling units. The proposed Project's PB land use/zoning designation would also allow for the development of up to 238 units within the 34-acre site; as such, the Project would not allow for new or greater residential development than what is currently permitted and analyzed in the General Plan FEIR. Therefore, the Project would also be consistent with the growth projections and development anticipated by SCAG's 2020–2045 RTP/SCS, as the growth projections are, in part, based on the land uses and growth anticipated by city general plans. At the regional level, SCAG's 2020-2045 RTP/SCS is adopted for the purpose of reducing GHGs resulting from vehicular emissions by passenger vehicles and light duty trucks. Generally, projects are considered consistent with the provisions and general

policies of applicable City and regional land use plans and regulations, such as the 2020-2045 RTP/SCS, if they are compatible with the general intent of the plans and would not preclude the attainment of their primary goals. The Project would be consistent with the General Plan and would not conflict with plans, policies, or regulations adopted for the purpose of reducing GHG emissions. Future development would be required to be reviewed at the project level for consistency with the existing regulatory environment, including policies that address GHG emissions and other applicable GHG plans, policies, and regulations.

### 3.9 HAZARDS AND HAZARDOUS MATERIALS

| Thresholds:                                                                                                                                                                                                                                                                         | Substantial Change in Project Requiring Major EIR Revisions | Substantial Change in Circumstance Requiring Major EIR Revisions | Information Showing Greater Significant effects than Previous EIR | No Additional Significant Impact/ Less Than Significant Impact With Application of Mitigation from FEIR | Less Than Significant Impact/No Changes or Information Requiring Preparation of an MND or EIR | No Impact |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------|
| Would the project:                                                                                                                                                                                                                                                                  |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               |           |
| a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?                                                                                                                                             |                                                             |                                                                  |                                                                   | X                                                                                                       |                                                                                               |           |
| b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?                                                                                     |                                                             |                                                                  |                                                                   | X                                                                                                       |                                                                                               |           |
| c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?                                                                                                                     |                                                             |                                                                  |                                                                   | X                                                                                                       |                                                                                               |           |
| d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                                                      |                                                             |                                                                  |                                                                   | X                                                                                                       |                                                                                               |           |
| e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               | X         |
| f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?                                                                                                                                                           |                                                             |                                                                  |                                                                   |                                                                                                         | X                                                                                             |           |
| g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?                                                                                                                                             |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               | X         |

#### General Plan FEIR Conclusions

The topic of Hazards and Hazardous Materials is addressed in General Plan FEIR Section 4.11, Public Safety/Hazardous Materials. The General Plan FEIR, as amended by the 2007 and 2013 Addenda, concluded that development under the General Plan has the potential to subject the public to significant impacts due to inadequate protection from fire hazards. However, the County of Riverside does not identify any areas within Indian Wells subject to wildland fires. Urban fires

also pose little threat to the citizens of the community. As such, the General Plan FEIR determined that no mitigation measures would be required other than adherence to adopted City goals and policies regarding fire hazards.

The General Plan FEIR concluded that development under the General Plan has the potential to pose a public health and safety hazard due to inadequate preparation for flooding hazards. However, the City's Floodplain Management Ordinance specifies construction standards for all areas of special flood hazard. All new construction and improvements are required to be constructed using methods and practices that minimize flood damage and provide adequate drainage. City development permits are required for all new construction and improvements within areas of special flood hazard. The General Plan FEIR determined that this potential adverse impact is not significant; no mitigation is required other than adherence to the City's flood ordinances and construction permit standards, as well as the General Plan Community Safety Element.

As discussed in the General Plan FEIR, generators of hazardous wastes in the City include golf course operators, dry cleaners, and photograph developers. Underground storage tanks are located at the Coachella Valley Water District Lift Station, the Indian Wells Fire Station, and some of the country clubs within the City. These users and generators must comply with all applicable State and Federal regulations, which are enforced locally by the Riverside County Hazardous Materials Management Division. No mitigation is required. The General Plan FEIR determined that the risk of accidental release of emissions or upset of hazardous materials associated with the development under the General Plan is a potentially adverse but not significant impact, as legislation and regulations provide for reductions in the quantity of hazardous waste produced, safer disposal methods, and safer handling methods, and no mitigation is required.

As discussed in the General Plan FEIR, in the event of an emergency situation, the City has a local multifunction hazard plan to detail the City's planned response to extraordinary emergency situations associated with natural or human-caused disasters. The Multifunction Hazard Plan also provides guidance on law enforcement, traffic control operations, and movement and rescue operations during an emergency. If evacuation of the City becomes necessary, the general evacuation routes are Highway 111, Washington Street, Fred Waring Drive, and Cook Street. The General Plan determined that no mitigation for emergency response impacts is necessary other than implementation of General Plan goals and policies in the Community Safety Element regarding emergency procedures, including policies IVA3.1, IVA3.2, IVA3.3, IVA3.4, and IVA3.5. These include requiring emergency preparedness to be the combined responsibility of the City, in conjunction with the County, Coachella Valley Association of Governments, and the State as well as City residents and the business community, and encouraging emergency response planning for interested citizens in existing and future development as well as the business community through the programs established by the Indian Wells In Neighborhoods Commission.

## Project Analysis

- a. **Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**
- b. **Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**
- c. **Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**
- d. **Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

The Project does not propose site-specific development; rather, it involves amendments to the General Plan Land Use Element, Zoning Code, and General Plan Land Use/Zoning Map to implement the required rezoning program to accommodate the City's RHNA. While the Project does not propose site-specific development, the Project would accommodate future residential development within one 34-acre parcel (APN 633360002) that is currently designated Medium Density Residential with an allowed development potential of up to 238 residential dwelling units. The proposed Project's PB land use/zoning designation would also allow for the development of up to 238 units within the 34-acre site; as such, the Project would not allow for new or greater residential development than what is currently permitted and analyzed in the General Plan FEIR.

Gerald R. Ford Elementary school is located within one-quarter mile of the parcel proposed for amendments under the Project. However, residential development does not typically involve the routine transport, use, or disposal of hazardous materials at a level that would result in a potentially significant impact. Future construction activities associated with residential development on the parcel could result in accidental release of hazardous materials into the environment, potentially exposing construction workers and the public. However, any transport, storage, use or disposal of hazardous materials would be subject to applicable State and federal laws, minimizing the potential for upset and accident conditions to occur within the site.

The parcel proposed for amendments under the Project is not included on any of the data resources identified as meeting the Cortese List requirements.<sup>14, 15, 16</sup> All future development would be subject to applicable federal, State, and local laws and regulations, and any development that involves

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<sup>14</sup> Department of Toxic Substances Control, EnviroStor Database. Available: [https://www.envirostor.dtsc.ca.gov/public/map/?global\\_id=38330005](https://www.envirostor.dtsc.ca.gov/public/map/?global_id=38330005). Accessed: March 14, 2024.

<sup>15</sup> California Environmental Protection Agency, Sites Identified with Waste Constituents Above Hazardous Waste Levels Outside the Waste Management Unit. Available: <https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/SiteCleanup-CorteseList-CurrentList.pdf>. Accessed: March 14, 2024.

<sup>16</sup> California Environmental Protection Agency, Cortese List Data Resources. Available: <https://calepa.ca.gov/sitecleanup/corteselist/>. Accessed: March 14, 2024.

contaminated property, such as those properties listed on the Cortese List, would involve the cleanup and/or remediation of the property prior to construction. All new development projects would be required to meet existing regulations, including permitting requirements and disclosure laws.

Following compliance with the General Plan goals and policies and existing regulations, including but not limited to Community Safety Element Policy IVA1.7, which directs the City to enforce existing Federal, State, and local ordinances regulating the use, manufacture, sale, transport, storage, and disposal of hazardous substances, and to continue to implement the Riverside County Hazardous Waste Management Plan, there would be no new significant or significantly different impacts associated with hazardous materials as a result of the proposed Project.

- e. *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?***

The Project involves amendments to the General Plan Land Use Element, Zoning Code, and General Plan Land Use/Zoning Map to implement the required rezoning program to accommodate the City's RHNA. While the Project does not propose site-specific development, the Project would accommodate future residential development within one 34-acre parcel (APN 633360002) that is currently designated Medium Density Residential with an allowed development potential of up to 238 residential dwelling units. However, the parcel is not located within two miles of an airport. The closest airport is the Bermuda Dunes Airport, approximately 2.5 miles northeast of the parcel. Therefore, there would be no new significant or significantly different impacts associated with airports as a result of the proposed Project.

- f. *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?***

As previously stated, the Project does not propose site-specific development; rather, it involves amendments to the General Plan Land Use Element, Zoning Code, and General Plan Land Use/Zoning Map to implement the required rezoning program to accommodate the City's RHNA. While the Project does not propose site-specific development, the Project would accommodate future residential development within one 34-acre parcel (APN 633360002) that is currently designated Medium Density Residential with an allowed development potential of up to 238 residential dwelling units. The proposed Project's PB land use/zoning designation would also allow for the development of up to 238 units within the 34-acre site; as such, the Project would not allow for new or greater residential development than what is currently permitted and analyzed in the General Plan FEIR. Future development would be required to be reviewed at the project level for consistency with the existing regulatory environment, including General Plan policies that address emergency response and evacuation, including, but not limited to, Community Safety Element Policy IVA3.1, which encourages emergency preparedness to be the combined responsibility of the City, County, Coachella Valley Association of Governments, and the State as well as City residents and the business community; and IVA3.5, which directs the City to maintain at least two east-west and two north-south primary (or major) arterials to ensure adequate emergency evacuation. Any future development would be subject to conformance with applicable municipal code

requirements, including, but not limited to, Municipal Code Chapter 11.44, *Temporary Street Closure*, which requires approval of street closure permit before closing any portion of a public street or alley for storing construction materials or equipment, and would be reviewed to ensure adequate emergency access is provided and that proposed development would not interfere with an emergency response plan. There would be no new significant or significantly different impacts associated with emergency plans as a result of the proposed Project.

**g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?**

According to the General Plan and General Plan FEIR, there are no identified areas within Indian Wells that are subject to wildland fires. Further, according to the California Department of Forestry and Fire Protection (CAL FIRE) Fire Hazard Severity Zone Map, the parcel proposed for amendments is not located within or next to a Very High Fire Hazard Severity Zone within a Local Responsibility Area or State Responsibility Area.<sup>17</sup> The Project would not involve expansion of urban uses onto lands located within or adjacent to wildland fire hazards areas. Future residential development would be reviewed at the project level for compliance with the existing regulatory environment, including the California Fire Code, as adopted and amended by Title 16, *Buildings and Construction*, of the Indian Wells Municipal Code. Following compliance with the General Plan goals and policies, including, but not limited to, Community Safety Element Policy IVA1.5 which requires new development to pay its pro-rata share of costs for fire services, and existing regulations, there would be no new significant or significantly different impacts related to wildland fires as a result of the proposed Project.

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<sup>17</sup> California Department of Forestry and Fire Protection, Fire Hazard Severity Zones in State Responsibility Area. Available: <https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008>. Accessed: March 14, 2024.

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### 3.10 HYDROLOGY AND WATER QUALITY

| Thresholds:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Substantial Change in Project Requiring Major EIR Revisions | Substantial Change in Circumstance Requiring Major EIR Revisions | Information Showing Greater Significant effects than Previous EIR | No Additional Significant Impact/ Less Than Significant Impact With Application of Mitigation from FEIR | Less Than Significant Impact/No Changes or Information Requiring Preparation of an MND or EIR | No Impact |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------|
| Would the project:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               |           |
| a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                             |                                                                  |                                                                   |                                                                                                         | X                                                                                             |           |
| b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                             |                                                                  |                                                                   |                                                                                                         | X                                                                                             |           |
| c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: <ul style="list-style-type: none"> <li>result in substantial erosion or siltation on- or off-site;</li> <li>substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;</li> <li>create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or</li> <li>impede or redirect flood flows?</li> </ul> |                                                             |                                                                  |                                                                   |                                                                                                         | X                                                                                             |           |
| d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                             |                                                                  |                                                                   |                                                                                                         | X                                                                                             |           |
| e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                             |                                                                  |                                                                   |                                                                                                         | X                                                                                             |           |

## **General Plan FEIR Conclusions**

The topic of Hydrology and Water Quality is addressed in General Plan FEIR Section 4.4, Hydrology and Water Quality. The General Plan FEIR, as amended by the 2007 and 2013 Addenda, concluded that buildout of the General Plan would result in the conversion of vacant land and date groves into developed uses, which would increase impervious surfaces and result in a corresponding increase in surface runoff compared to existing land uses. However, the General Plan FEIR concluded that this increase is not considered a significant adverse impact because it is a relatively small portion of the City area.

As discussed in the General Plan FEIR, development from a natural land use to an urban land use results in changes in the volume and type of contaminants contained in the surface water runoff. Urban development will generally cause an increase in the load and runoff concentration of organic and inorganic constituents. These constituents are expected to degrade overall local water quality. However, surface water quality is protected through implementation of the Federal Clean Water Act which requires all communities to conform to standards regulating the quality of water discharged into streams, including stormwater runoff. The General Plan FEIR determined that this requirement would reduce potential significant adverse water quality impacts to below a level of significance.

The General Plan FEIR concluded that the only developments within the Federal Emergency Management Agency (FEMA) 100-year floodplain zone are golf courses in the Deep Canyon drainage. There are residential areas located within FEMA 500-year floodplain zones. The City's Floodplain Ordinance specifies construction standards for all areas of special flood hazard. All new construction and improvements are required to be constructed using methods and practices that minimize flood damage and provide adequate drainage. City development permits are required for all new construction and improvements within areas of special flood hazard. The General Plan FEIR determined that this requirement reduces potential significant adverse flooding impacts to below a level of significance.

Several General Plan Conservation and Open Space Element policies ensure that urban runoff from future new development pursuant to the General Plan is minimized and that water quality is maintained, including policies IIIA5.4, IIIA5.5, and IIIA5.6. The General Plan FEIR determined that with implementation of General Plan Conservation and Open Space Element policies as individual projects are processed, potential significant impacts to the rate, amount, and quality of surface water flow would be mitigated to below a level of significance.

The General Plan FEIR concluded that the estimated demand for potable water at buildout of the General Plan would be increased by 11.6 million gallons per day (mgd) for domestic purposes. To reserve as much of the groundwater as necessary for potable demands, alternative water conservation measures will need to accommodate demands from other uses, such as outdoor recreation and exterior landscaping use. Several General Plan Conservation and Open Space Element policies ensure that the City's use of groundwater for future new development under the General Plan is minimized, including policies IIIA5.1, IIIA5.2, and IIIA5.3. The General Plan FEIR determined that implementation of these measures should reduce the amount of water required for domestic uses and would reduce potential significant impacts to the consumption of groundwater to below a level of significance.

The General Plan FEIR concluded that development activities related to buildout have the potential to adversely impact surface and groundwater quality. However, the General Plan FEIR determined that adherence to Federal Clean Water Act standards for discharge of stormwater and reclaimed water would reduce potential adverse impacts to groundwater quality to below a level of significance.

The General Plan FEIR concluded that implementation of water resource policies described in the General Plan regarding surface and groundwater hydrology, water quality, and water consumption as individual projects are processed will assure that potential significant impacts related to hydrology and water quality are mitigated. These policies include instituting floodplain management techniques, such as linear parks, golf courses, and/or open space preservation in lieu of channelization; active participation in regional activities to assure the effective management of water resources (Policy IIA3.5); and conservation of water resources in the City through use of native and water-efficient landscaping (Policy IIIA5.1).

## Project Analysis

### ***a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?***

The Project does not propose site-specific development; rather, it involves amendments to the General Plan Land Use Element, Zoning Code, and General Plan Land Use/Zoning Map to implement the required rezoning program to accommodate the City's RHNA. While the Project does not propose site-specific development, the Project would accommodate future residential development within one 34-acre parcel (APN 633360002) that is currently designated Medium Density Residential with an allowed development potential of up to 238 residential dwelling units. The proposed Project's PB land use/zoning designation would also allow for the development of up to 238 units within the 34-acre site; as such, the Project would not allow for new or greater residential development than what is currently permitted and analyzed in the General Plan FEIR.

Future residential development accommodated through implementation of the Project could contribute to water quality degradation in the City during project construction and operation. Future site-specific development projects would be required to meet stormwater quality requirements through implementation of BMPs during construction and operational activities in accordance with NPDES permit regulations. In addition, future grading activities associated with new development would be required to be performed according to a grading plan approved by the City, as required by Title 18, *Excavations and Land Fills*, of the Municipal Code. Similar to the development anticipated in the General Plan and analyzed in the General Plan FEIR, future residential development projects would be subject to conformance with applicable federal, State, and local laws and regulations, including the Clean Water Act, and be guided by relevant General Plan policies related to water quality, including, but not limited to, Conservation and Open Space Element Policy IIIA5.5, which directs the City to actively participate in regional activities to assure the effective management of water resources, and the development of water policies at the County, State and Federal level that are favorable to the Coachella Valley. Following compliance with the General Plan goals and policies and existing regulations, there would be no new significant or significantly different impacts associated with water quality as a result of the proposed Project.

**b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?**

The City of Indian Wells is located within the water service area of the Coachella Valley Water District (CVWD).<sup>18</sup> Water delivered to customers in the City is a combination of groundwater from the Coachella Valley Groundwater Basin, recycled water, and imported water from the Colorado River through the Coachella Channel and through an exchange agreement with the Metropolitan Water District of Southern California. The City of Indian Wells overlies the Indio Subbasin of the Coachella Valley Groundwater Basin.

As indicated in the 2020 Coachella Valley Regional Urban Water Management Plan (RUWMP), the West Valley, which includes Indian Wells, generally relies on groundwater as its principal water source.<sup>19</sup> In the West Valley portion of the Indio Subbasin, underlying sediment profiles consist of coarse sand and gravel with minor amounts of clay. The aquifer in this area is unconfined, allowing water that is applied on the ground surface to percolate directly into the underlying aquifer system, making recharge simple and efficient. In addition, CVWD operates and maintains groundwater recharge facilities at three locations in the Coachella Valley: Whitewater River Groundwater Replenishment Facility, the Thomas E. Levy Groundwater Replenishment Facility, and the Palm Desert Groundwater Replenishment Facility.

As previously stated, the Project does not propose site-specific development; rather, it involves amendments to the General Plan Land Use Element, Zoning Code, and General Plan Land Use/Zoning Map to implement the required rezoning program to accommodate the City's RHNA. While the Project does not propose site-specific development, the Project would accommodate future residential development within one 34-acre parcel (APN 633360002) that is currently designated Medium Density Residential with an allowed development potential of up to 238 residential dwelling units. The proposed Project's PB land use/zoning designation would also allow for the development of up to 238 units within the 34-acre site; as such, the Project would not allow for new or greater residential development than what is currently permitted and analyzed in the General Plan FEIR.

As analyzed in the General Plan FEIR, future development with impervious surfaces has the potential to reduce groundwater recharge to the Coachella Valley Groundwater Basin. However, the parcel proposed for amendments under the Project does not contain designated groundwater recharge facilities and is not identified by the 2020 RUWMP as being a significant source of groundwater recharge. Future residential development would be subject to conformance with applicable federal, State, and local laws and regulations and be guided by relevant General Plan

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<sup>18</sup> Water Systems Consulting, Inc., 2020 Coachella Valley Regional Urban Water Management Plan. June 2021. Available: <https://www.cvwd.org/DocumentCenter/View/5482/Coachella-Valley-RUWMP>. Accessed: March 14, 2024.

<sup>19</sup> Water Systems Consulting, Inc., 2020 Coachella Valley Regional Urban Water Management Plan. June 2021. Available: <https://www.cvwd.org/DocumentCenter/View/5482/Coachella-Valley-RUWMP>. Accessed: March 14, 2024.

policies related to groundwater, including, but not limited to, Conservation and Open Space Element Policy IIIA5.5, which directs the City to actively participate in regional activities to assure the effective management of water resources, and the development of water policies at the County, State and Federal level that are favorable to the Coachella Valley; and Policy IIIA5.7, which directs the City to coordinate with the CVWD to monitor citywide water usage on an annual basis and make recommendations to modify or expand water conservation measures to ensure their effectiveness. Following compliance with the General Plan goals and policies and existing regulations, there would be no new significant or significantly different impacts associated with groundwater as a result of the proposed Project.

**c. *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:***

- ***result in substantial erosion or siltation on- or off-site;***
- ***substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;***
- ***create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or***
- ***impede or redirect flood flows?***

As previously stated, the Project does not propose site-specific development; rather, it involves amendments to the General Plan Land Use Element, Zoning Code, and General Plan Land Use/Zoning Map to implement the required rezoning program to accommodate the City's RHNA. While the Project does not propose site-specific development, the Project would accommodate future residential development within one 34-acre parcel (APN 633360002) that is currently designated Medium Density Residential with an allowed development potential of up to 238 residential dwelling units. The proposed Project's PB land use/zoning designation would also allow for the development of up to 238 units within the 34-acre site; as such, the Project would not allow for new or greater residential development than what is currently permitted and analyzed in the General Plan FEIR.

The parcel proposed for amendments under the Project (APN 633360002) is undeveloped and does not contain existing onsite stormwater infrastructure. However, the parcel is located within an area that is generally developed and bounded by Miles Avenue and Warner Trail, which connect to the City's stormwater system. Future residential development accommodated through implementation of the Project would be required to comply with NPDES permit regulations and would implement BMPs to address water quality and stormwater discharge volumes. Future grading activities associated with new development on the parcel proposed for amendments would be required to be performed according to a grading plan approved by the City, as required by Title 18, *Excavations and Land Fills*, of the Municipal Code, which would reduce erosion and siltation potential. Similar to the development anticipated in the General Plan and analyzed in the General Plan FEIR, future

residential development would be subject to conformance with applicable federal, State, and local laws and regulations and be guided by relevant General Plan policies related to stormwater, including, but not limited to, Conservation and Open Space Element Policy IIIA5.5, which directs the City to actively participate in regional activities to assure the effective management of water resources, and the development of water policies at the County, State and Federal level that are favorable to the Coachella Valley; and Community Safety Element Policy IVA1.3, which directs the City to encourage and cooperate with the CVWD to maintain adequate flood flow capacity in the Whitewater and Deep Canyon flood control channels to prevent area flooding from anticipated maximum flood flows. Following compliance with the General Plan goals and policies and existing regulations, there would be no new significant or significantly different impacts to existing drainage patterns which would result in substantial erosion or siltation, result in flooding, exceed capacity of existing or planned stormwater drainage systems, provide additional sources of polluted runoff, or impede or redirect flood flows as a result of the proposed Project.

**d. *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?***

According to the Federal Emergency Management Agency, the parcel proposed for amendments is not located within a special flood hazard area.<sup>20</sup> According to the General Plan, dam failures, tsunamis, and seiches are not an issue in Indian Wells. There would be no new significant or significantly different impacts associated with flood hazards or inundation as a result of the proposed Project.

**e. *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?***

The Project does not propose site-specific development; rather, it involves amendments to the General Plan Land Use Element, Zoning Code, and General Plan Land Use/Zoning Map to implement the required rezoning program to accommodate the City's RHNA. While the Project does not propose site-specific development, the Project would accommodate future residential development within one 34-acre parcel (APN 633360002) that is currently designated Medium Density Residential with an allowed development potential of up to 238 residential dwelling units. The proposed Project's PB land use/zoning designation would also allow for the development of up to 238 units within the 34-acre site; as such, the Project would not allow for new or greater residential development than what is currently permitted and analyzed in the General Plan FEIR.

As analyzed in the General Plan FEIR, future development accommodated through implementation of the Project would be required to comply with NPDES permit regulations and would implement BMPs during construction and operational activities to meet stormwater quality requirements, consistent with the Water Quality Control Plan for the Colorado River Basin Region. In addition, future grading activities associated with new development would be required to be performed

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<sup>20</sup> Federal Emergency Management Agency, FEMA Flood Map Service Center: Search By Address. Available: <https://msc.fema.gov/portal/search>. Accessed: March 14, 2024.

according to a grading plan approved by the City, as required by Title 18, *Excavations and Land Fills*, of the Municipal Code.

The Project would not allow for new or greater development than what is currently permitted and analyzed in the General Plan FEIR. As such, the Project would not increase water demand within the City beyond what has already been accounted for in the 2020 RUWMP projections. Further, the parcel proposed for amendments under the Project does not contain designated groundwater recharge facilities and is not identified by the 2020 RUWMP as being a significant source of groundwater recharge. Similar to the development anticipated in the General Plan and analyzed in the General Plan FEIR, future residential development projects would be subject to conformance with applicable federal, State, and local laws and regulations and be guided by relevant General Plan policies related to hydrology and water quality, including, but not limited to, Conservation and Open Space Element Policy IIIA5.5, which directs the City to actively participate in regional activities to assure the effective management of water resources, and the development of water policies at the County, State and Federal level that are favorable to the Coachella Valley; Policy IIIA5.7, which directs the City to coordinate with the CVWD to monitor citywide water usage on an annual basis and make recommendations to modify or expand water conservation measures to ensure their effectiveness; and Community Safety Element Policy IVA1.3, which directs the City to encourage and cooperate with the CVWD to maintain adequate flood flow capacity in the Whitewater and Deep Canyon flood control channels to prevent area flooding from anticipated maximum flood flows. Following compliance with the General Plan goals and policies and existing regulations, there would be no new significant or significantly different impacts associated with implementation of a water quality control plan or sustainable groundwater management plan as a result of the proposed Project.

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### 3.11 LAND USE AND PLANNING

| Thresholds:                                                                                                                                                                            | Substantial Change in Project Requiring Major EIR Revisions | Substantial Change in Circumstance Requiring Major EIR Revisions | Information Showing Greater Significant effects than Previous EIR | No Additional Significant Impact/ Less Than Significant Impact With Application of Mitigation from FEIR | Less Than Significant Impact/No Changes or Information Requiring Preparation of an MND or EIR | No Impact |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------|
| Would the project:                                                                                                                                                                     |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               |           |
| a. Physically divide an established community?                                                                                                                                         |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               | X         |
| b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? |                                                             |                                                                  |                                                                   |                                                                                                         | X                                                                                             |           |

#### General Plan FEIR Conclusions

The topic of Land Use is addressed in General Plan FEIR Section 4.1, Land Use. The General Plan FEIR, as amended by the 2007 and 2013 Addenda, concluded that the General Plan provides policies and guidelines under which future development would be considered. Under the General Plan Land Use Plan, the City is expected to have a population of 12,463 residents. This represents an increase of approximately 80 percent over the 1994 population of 6,900. The 6,247 potential buildout units for the City and the sphere of influence would be dominated by very low density single-family detached units. The predominantly residential character of the City will continue to be supported by resort commercial uses. Open space within the City will consist of public parks, public and private golf courses and tennis facilities, private and public open space, storm channels (Deep Canyon and Whitewater River channels), and natural preserve areas (private lands with only limited residential potential as permitted by the Hillside Management Ordinance). The General Plan FEIR determined that the resulting total open space of 6,867.5 acres (including streets), dominated by the 4,619 acres of private and public open space within the Santa Rosa Mountains, would continue to preserve the aesthetic character of the City of Indian Wells, and not represent an adverse land use impact. The General Plan FEIR ultimately determined that several policies in the General Plan Land Use Element, Noise Element, Circulation Element, and the Conservation and Open Space Element ensure that adverse direct land use compatibility impacts would be avoided as new development proceeds under the General Plan.

#### Project Analysis

##### a. *Physically divide an established community?*

The Project does not propose site-specific development; rather, it involves amendments to the General Plan Land Use Element, Zoning Code, and General Plan Land Use/Zoning Map to implement the required rezoning program to accommodate the City's RHNA. The Land Use Element would be

revised to include a new PB land use designation and associated acreage and development potential resulting from the General Plan Land Use/Zoning Map Amendment to allow for implementation of the proposed rezoning program. The Zoning Code would be amended to include a Public Benefit zoning district, including development and land use regulations, to implement the PB land use designation. The General Plan Land Use/Zoning Map would also be amended to apply the PB land use and zoning designation to APN 633360002, consistent with the 2021-2029 Housing Element, in order to accommodate the City's RHNA.

The parcel proposed for amendments under the Project (APN 633360002) is designated Medium Density Residential, allowing for the development of up to 238 residential dwelling units. Similarly, the Project's proposed PB designation would allow for the development of up to 238 units. The parcel is bounded by Warner Trail, followed by single-family residential uses to the west; institutional uses (Gerald R. Ford Elementary School) to the north; a tennis facility (Indian Wells Tennis Garden) to the east; and Miles Avenue, followed by the Whitewater River flood control channel to the south. The area surrounding the site is generally developed and served by existing roadways. Future residential development of the site would be consistent with the land use and zoning of adjacent properties and would be a continuation of existing uses within the surrounding area. Implementation of the Project would not physically divide an established community, as residential development has been anticipated within this area and would be evaluated at the project level for consistency with the City's General Plan goals and policies. Following compliance with the General Plan goals and policies, there would be no new significant or significantly different impacts related to the physical division of an established community as a result of the proposed Project.

**b. *Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?***

The proposed amendments to the General Plan Land Use Element, Zoning Code, and General Plan Land Use/Zoning Map would provide consistency between the General Plan and zoning and would not conflict with City plans, policies, or regulations adopted for environmental protection. The General Plan includes goals and policies to reduce potential impacts resulting from new development and intensification of existing land uses. The Project would not allow for new or greater residential development than what is already allowed in the General Plan and analyzed in the General Plan FEIR. Future development, consistent with the General Plan and zoning, would be reviewed for consistency with policies adopted for the purposes of avoiding or mitigating an environmental effect and implement mitigation measures, as appropriate. The Project would not result in new land use and planning impacts beyond those identified in the General Plan FEIR. Following compliance with the General Plan goals and policies and existing regulations, there would be no new significant or significantly different impacts to land use and planning as a result of the proposed Project.

### 3.12 MINERAL RESOURCES

| Thresholds:                                                                                                                                                           | Substantial Change in Project Requiring Major EIR Revisions | Substantial Change in Circumstance Requiring Major EIR Revisions | Information Showing Greater Significant effects than Previous EIR | No Additional Significant Impact/ Less Than Significant Impact With Application of Mitigation from FEIR | Less Than Significant Impact/No Changes or Information Requiring Preparation of an MND or EIR | No Impact |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------|
| <b>Would the project:</b>                                                                                                                                             |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               |           |
| a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               | X         |
| b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               | X         |

#### General Plan FEIR Conclusions

The topic of Mineral Resources is addressed in General Plan FEIR Section 4.8, Geology, Soils, and Seismicity. As discussed in the General Plan FEIR, the City includes areas classified by the Division of Mines and Geology as MRZ-1 (i.e., zone where adequate information indicates there are no significant mineral deposits present or where it is judged that there is little likelihood for their presence) and MRZ-3 (i.e., area that contains mineral deposits, but their significance cannot be determined based on available data). The General Plan FEIR concluded that the designated MRZ-3 area within the City comprises the steep terrain of the Santa Rosa Mountains in the southern part of the City and the western portion of the City, which is already predominantly developed. Thus, the General Plan FEIR determined that the potential to impact significant mineral deposits during implementation of the General Plan is not significant, and no mitigation would be required.

#### Project Analysis

- a. ***Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?***
- b. ***Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?***

The Project does not propose site-specific development; rather, it involves amendments to the General Plan Land Use Element, Zoning Code, and General Plan Land Use/Zoning Map to implement the required rezoning program to accommodate the City's RHNA. As stated in the General Plan FEIR, the City includes areas classified by the Division of Mines and Geology as MRZ-1 (i.e., zone where adequate information indicates there are no significant mineral deposits present or where it is judged that there is little likelihood for their presence) and MRZ-3 (i.e., area that contains

mineral deposits, but their significance cannot be determined based on available data). However, the MRZ-3 designated area within the City comprises the steep terrain of the Santa Rosa Mountains in the southern part of the City and the western portion of the City, which is already predominantly developed. Similar to the development anticipated in the General Plan, the Project would accommodate future residential development within one 34-acre parcel (APN 633360002) currently designated for Medium Density Residential uses. This parcel is vacant and does not contain a locally-important mineral resource recovery site. The Project would not result in new mineral resources impacts beyond those identified in the General Plan FEIR, as there would be no new significant or significantly different impacts to mineral resources as a result of the proposed Project.

### 3.13 NOISE

| Thresholds:                                                                                                                                                                                                                                                                                               | Substantial Change in Project Requiring Major EIR Revisions | Substantial Change in Circumstance Requiring Major EIR Revisions | Information Showing Greater Significant effects than Previous EIR | No Additional Significant Impact/ Less Than Significant Impact With Application of Mitigation from FEIR | Less Than Significant Impact/No Changes or Information Requiring Preparation of an MND or EIR | No Impact |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------|
| Would the project result in:                                                                                                                                                                                                                                                                              |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               |           |
| a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?                                                         |                                                             |                                                                  |                                                                   | X                                                                                                       |                                                                                               |           |
| b. Generation of excessive groundborne vibration or groundborne noise levels?                                                                                                                                                                                                                             |                                                             |                                                                  |                                                                   | X                                                                                                       |                                                                                               |           |
| c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               | X         |

#### General Plan FEIR Conclusions

The topic of Noise is addressed in General Plan FEIR Section 4.6, Noise. The General Plan FEIR concluded that implementation of the General Plan land uses could expose receivers to noise levels in excess of City standards for commercial and residential uses, respectively. The projected noise levels from buildout vehicular traffic volumes represent potentially significant but mitigable impacts. Mitigation measures included in the General Plan FEIR, as amended by the 2007 and 2013 Addenda, include, in areas potentially exposed to noise levels in excess of 70 dBA CNEL, a detailed noise analysis should be completed demonstrating that noise levels for sensitive interior uses and usable outdoor areas can be lessened to comply with City standards. For residential uses, a detailed noise analysis should be completed for any project proposed in areas exposed to noise levels in excess of 60 decibels. When single- or multi-family residential uses are proposed, an acoustical study should be conducted to confirm that measures achieve the City's noise standards. In addition, the General Plan Noise Element contains noise policies which would ensure that noise levels from traffic generation and other noise generating activities are minimized. These policies include discouraging through traffic in residential neighborhoods, implementation of the Highway 111 Specific Plan, encouraging transportation demand management programs to reduce vehicular traffic, and enforcement of the City's noise ordinance. The General Plan FEIR determined that following implementation of the mitigation measures and General Plan policies, future development under the General Plan would be exposed to noise impacts below the level of significance.

## Project Analysis

**a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

The Project does not propose site-specific development; rather, it involves amendments to the General Plan Land Use Element, Zoning Code, and General Plan Land Use/Zoning Map to implement the required rezoning program to accommodate the City's RHNA. The parcel proposed for amendments under the Project (APN 633360002) is designated Medium Density Residential, allowing for the development of up to 238 residential dwelling units. Similarly, the Project's proposed PB designation would allow for the development of up to 238 units. Therefore, the Project would not allow for greater residential development than what was analyzed in the General Plan FEIR.

Construction activities associated with future residential development would result in short-term noise impacts within the vicinity of the parcel proposed for amendments under the Project. Construction activities would be required to comply with the acceptable noise levels established in the City's Noise Ordinance (Municipal Code Chapter 9.06, *Noise*) and would be required to occur only within permissible hours as permitted by Section 9.06.047, *Construction or Landscape Maintenance Noise*, of the Municipal Code.

Long-term operational noise associated with future residential development would also be expected to result in new stationary and non-stationary sources of noise. Since no specific development is proposed as part of the Project, it is unknown if these sources of noise would exceed ambient noise level standards. However, the Project would not allow for greater residential development than what was analyzed in the General Plan FEIR. Future residential development would be reviewed at the project level for consistency with the City's General Plan, including the Land Use Compatibility For Community Noise Environments (Figure IVB-1) and Municipal Code, including the Noise Ordinance. The General Plan also contains goals and policies to reduce potential noise impacts, including, but not limited to, Noise Element Policy IVB1.1, which requires all new or expansion of existing residential development or other noise-sensitive land uses in areas exceeding 65 dB CNEL to incorporate mitigation measures to reduce noise levels to 65 dB CNEL or less in outdoor activity areas and 45 dB CNEL or less in interior living spaces, and requires an acoustical study as part of residential development and transportation corridor projects which sets forth mitigating measures to attain these standards; and IVB2.1, which requires mitigation at the property line if new or an expansion of existing noise-generating land uses results in noise levels that exceed 65 dB(A) CNEL in areas containing residential or other noise-sensitive land uses. Following compliance with the General Plan goals and policies, existing regulations, and General Plan FEIR mitigation measures, including requirements related to preparation of a noise/acoustical study demonstrating compliance with City standards, there would be no new significant or significantly different impacts related to noise as a result of the proposed Project.

**b. Generation of excessive groundborne vibration or groundborne noise levels?**

Similar to the development anticipated in the General Plan, the Project would accommodate future residential development within one 34-acre parcel (APN 633360002) that is currently undeveloped.

The main sources of vibration associated with future potential development of the parcel proposed for amendments would be related to vehicles and construction. Typical roadway traffic, including heavy trucks, rarely generates vibration amplitudes high enough to cause structural or cosmetic damage. However, there have been cases in which heavy trucks traveling over potholes or other discontinuities in the pavement have caused vibration high enough to result in complaints from nearby residents. These types of issues typically can be resolved by smoothing the roadway surface. Future construction activities associated with implementation of the Project could generate groundborne vibration at existing sensitive uses that are located adjacent to or within the vicinity of the parcel, including residential uses to the west and the Gerald R. Ford Elementary School to the north. These uses are separated from the parcel by roadways are not expected to be adversely impacted by vibration from construction activities. Future residential development would be reviewed at the project level for consistency with the City's General Plan goals and policies and Municipal Code, including, but not limited to Noise Element Policy IVB1.2, which requires that automobile and truck access to commercial properties located adjacent to residential parcels be located at the maximum practical distance from the residential parcel. Following compliance with the General Plan goals and policies, existing regulations, and General Plan FEIR mitigation measures, there would be no new significant or significantly different impacts related to groundborne vibration and noise as a result of the proposed Project.

- c. ***For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?***

The Project does not propose site-specific development; rather, it involves amendments to the General Plan Land Use Element, Zoning Code, and General Plan Land Use/Zoning Map to implement the required rezoning program to accommodate the City's RHNA. While the Project does not propose site-specific development, the Project would accommodate future residential development within one 34-acre parcel (APN 633360002). The parcel is not located within two miles of an airport or private airstrip. The closest airport to the project is the Bermuda Dunes Airport, approximately 2.5 miles northeast of the parcel. Therefore, no impacts related to this issue are expected as a result of Project implementation. There would be no new significant or significantly different impacts associated with airport noise as a result of the proposed Project.

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### 3.14 POPULATION AND HOUSING

| Thresholds:                                                                                                                                                                                                         | Substantial Change in Project Requiring Major EIR Revisions | Substantial Change in Circumstance Requiring Major EIR Revisions | Information Showing Greater Significant effects than Previous EIR | No Additional Significant Impact/ Less Than Significant Impact With Application of Mitigation from FEIR | Less Than Significant Impact/No Changes or Information Requiring Preparation of an MND or EIR | No Impact |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------|
| <b>Would the project:</b>                                                                                                                                                                                           |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               |           |
| a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? |                                                             |                                                                  |                                                                   |                                                                                                         | X                                                                                             |           |
| b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?                                                                                     |                                                             |                                                                  |                                                                   |                                                                                                         | X                                                                                             |           |

#### General Plan FEIR Conclusions

The topic of Population and Housing is addressed in General Plan FEIR Section 4.9, Population and Housing. The General Plan FEIR, as amended by the 2007 and 2013 Addenda, concluded that buildout under the General Plan could result in an additional 2,878 residential dwelling units and 3,992,887 square feet of commercial area within the City and sphere of influence. This growth would not represent a substantial increase in the number of units anticipated by the existing General Plan and would not be inconsistent with the Coachella Valley Association of Governments growth projections. As such, the General Plan FEIR determined that this is not considered a significant impact and no mitigation is required.

Upon buildout of the General Plan, the population in the plan area would increase by about 5,563 persons. This represents an approximately 80 percent increase over the current population over the next 20 years, and would represent only an incremental increase from that anticipated by the currently adopted General Plan (11,445 persons). Displacement of residents to accomplish buildout of the General Plan would not be anticipated. As such, the General Plan FEIR determined that this is not considered a significant impact and not mitigation is required.

#### Project Analysis

- a. *Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*
- b. *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

The Project does not propose site-specific development; rather, it involves amendments to the General Plan Land Use Element, Zoning Code, and General Plan Land Use/Zoning Map to implement the required rezoning program to accommodate the City's RHNA. While the Project does not propose site-specific development, the Project would accommodate future residential development within one 34-acre parcel (APN 633360002) that is currently designated Medium Density Residential with an allowed development potential of up to 238 residential dwelling units. The proposed Project's PB land use/zoning designation would also allow for the development of up to 238 units within the 34-acre site; as such, the Project would not allow for greater residential development than what is currently permitted. Therefore, implementation of the Project would not induce unplanned population growth beyond those disclosed and analyzed throughout the General Plan FEIR. Additionally, implementation of the Project would not displace substantial numbers of existing people or housing.

The Project would not result in new impacts to population and housing beyond those identified in the General Plan FEIR. Future development, consistent with the General Plan and zoning, would be reviewed for consistency with policies aimed to reduce potential impacts associated with population and housing. Following compliance with the General Plan goals and policies and existing regulations, there would be no new significant or significantly different impacts related to population and housing as a result of the proposed Project.

### 3.15 PUBLIC SERVICES

| Thresholds:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Substantial Change in Project Requiring Major EIR Revisions | Substantial Change in Circumstance Requiring Major EIR Revisions | Information Showing Greater Significant effects than Previous EIR | No Additional Significant Impact/ Less Than Significant Impact With Application of Mitigation from FEIR | Less Than Significant Impact/No Changes or Information Requiring Preparation of an MND or EIR | No Impact |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------|
| <p>a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</p> <ul style="list-style-type: none"> <li>• Fire protection?</li> <li>• Police protection?</li> <li>• Schools?</li> <li>• Parks?</li> <li>• Other public facilities?</li> </ul> |                                                             |                                                                  |                                                                   | X                                                                                                       |                                                                                               |           |

#### General Plan FEIR Conclusions

The topic of Public Services and Recreation is addressed in General Plan FEIR Section 4.10, Public Services and Utilities. The General Plan FEIR, as amended by the 2007 and 2013 Addenda, concluded that development allowed under the General Plan would create additional demand for police protection services. This is considered a significant but mitigable impact. The General Plan FEIR includes mitigation measures that would reduce potential impacts to police protection services. As development occurs, the adequacy of police protection services will continue to be analyzed on a site-specific basis in accordance with CEQA. Additionally, as development occurs, the City will analyze, as necessary, its emergency response effectiveness to plan for and utilize police and other emergency services.

The General Plan FEIR concluded that development allowed under the General Plan would not significantly impact the ability of the Fire Department service agency to provide adequate fire protection and paramedic services to meet future needs. As development occurs, the adequacy of fire protection services will continue to be analyzed on a site-specific basis in accordance with CEQA. The City would review all development proposals to ensure they comply with the appropriate fire codes. Additionally, the General Plan Land Use and Community Safety Elements include policies related to fire protection.

The General Plan FEIR concluded that development allowed under the General Plan would generate an incremental increase in student population for the area. This is considered a significant but mitigable impact. The General Plan FEIR includes a mitigation measure wherein projects will be assessed a development fee, consistent with Assembly Bill (AB) 2926 and AB 1600, to offset the public educational costs associated with the proposed development. The General Plan FEIR determined that significant impacts to the public education can be mitigated to a level less than significant through implementation of the listed mitigation measure.

The General Plan FEIR concluded that development allowed under the General Plan would create additional demand for public park land. This is considered a significant, but mitigable impact. The General Plan FEIR determined that with implementation of General Plan Conservation and Open Space Element policies IIIA2.1, IIIA2.2, IIIA2.3, and IIIA2.4, potential significant impacts to the adequate provision of park land would be mitigated to a level less than significant.

The General Plan FEIR concluded that development allowed under the General Plan would increase the demand for library services. This is considered a significant but mitigable impact. The General Plan FEIR determined that continued payment by citizens of Indian Wells and non-resident members of the Riverside County Free Library system will mitigate the increased demand for library services as projected for buildout conditions of the General Plan.

Ultimately, the General Plan FEIR determined that following implementation of mitigation measures, which include the General Plan Policies referenced above, the General Plan would have less than significant impacts on the provision of public services.

## Project Analysis

a. ***Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:***

- ***Fire protection?***
- ***Police protection?***
- ***Schools?***
- ***Other public facilities?***

The Project does not propose site-specific development; rather, it involves amendments to the General Plan Land Use Element, Zoning Code, and General Plan Land Use/Zoning Map to implement the required rezoning program to accommodate the City's RHNA. While the Project does not propose site-specific development, the Project would accommodate future residential development within one 34-acre parcel (APN 633360002) that is currently designated Medium Density Residential with an allowed development potential of up to 238 residential dwelling units. The proposed Project's PB land use/zoning designation would also allow for the development of up to

238 units within the 34-acre site; as such, the Project would not allow for greater residential development than what is currently permitted.

Therefore, demand for public services on a project and cumulative project level would not exceed what has been anticipated by the General Plan and analyzed in the General Plan FEIR. While the parcel proposed for amendments is located in an area that is generally developed and served by existing public services, future development could incrementally increase the demand for public services. However, the proposed Project does not propose site-specific development and would not allow for new or greater residential development than is currently allowed under the General Plan. The General Plan includes goals and policies to reduce potential impacts to public services as a result of new development and intensification of land uses. Any development would be required to comply with the General Plan policies established to reduce potential impacts to public services, including, but not limited to, Land Use Element Policy IIA4.5, which requires that development pay its pro-rata share of the cost of public services and facility expansions required by that development; and Community Safety Element Policy IVA1.5, which directs the City to develop a comprehensive fire plan which forecasts future personnel and equipment needs and require new development to pay its pro-rata share of costs for fire services. Following compliance with the General Plan goals and policies, existing regulations, and General Plan FEIR mitigation measures, including the payment of applicable development fees, there would be no new significant or significantly different impacts related to public services as a result of the proposed Project.

**b. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:***

- ***Parks?***

The Project does not propose site-specific development, nor does it include recreational facilities; rather, it involves amendments to the General Plan Land Use Element, Zoning Code, and General Plan Land Use/Zoning Map to implement the required rezoning program to accommodate the City's RHNA. As stated, the Project would not allow for new or greater residential development than is currently allowed under the General Plan. Therefore, demand for parks and recreational facilities on a project and cumulative project level would not exceed what has been anticipated by the General Plan and analyzed in the General Plan FEIR.

As the parcel proposed for amendments is currently undeveloped, future development could incrementally increase the demand for and use of parks and recreation in the City. The General Plan includes goals and policies to support the development of new parks and recreation facilities and maintenance and improvement of existing parks and recreation facilities. Additionally, General Plan policies require new development to provide parkland dedication or payment of in-lieu fees to ensure adequate park space and facilities are provided within the City and new development. Any future residential development would be required to comply with the General Plan policies established to reduce potential impacts to parks and recreation facilities, including, but not limited to, Open Space and Conservation Element Policy IIIA2.1, which requires developers to dedicate

land based upon the park acreage standard of up to five acres per one thousand population or, at the City Council's discretion, the payment of fees in-lieu of the dedication of land in accordance with the Municipal Code. Following compliance with the General Plan goals and policies, existing regulations, and General Plan FEIR mitigation measures, including the payment of applicable development fees, there would be no new significant or significantly different impacts related to parks and recreation as a result of the proposed Project.

### 3.16 RECREATION

| Thresholds:                                                                                                                                                                                                    | Substantial Change in Project Requiring Major EIR Revisions | Substantial Change in Circumstance Requiring Major EIR Revisions | Information Showing Greater Significant effects than Previous EIR | No Additional Significant Impact/ Less Than Significant Impact With Application of Mitigation from FEIR | Less Than Significant Impact/No Changes or Information Requiring Preparation of an MND or EIR | No Impact |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------|
| a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? |                                                             |                                                                  |                                                                   |                                                                                                         | X                                                                                             |           |
| b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?                        |                                                             |                                                                  |                                                                   |                                                                                                         | X                                                                                             |           |

#### General Plan FEIR Conclusions

The topic of Recreation is addressed in General Plan FEIR Section 4.10, Public Services and Utilities. For purposes of this Addendum, the topic of Recreation is discussed in Section 3.15, Public Services, consistent with the organization of the General Plan FEIR.

#### Project Analysis

- a. *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*
- b. *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

Refer to Section 3.15, Public Services.

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### 3.17 TRANSPORTATION

| Thresholds:                                                                                                                                                      | Substantial Change in Project Requiring Major EIR Revisions | Substantial Change in Circumstance Requiring Major EIR Revisions | Information Showing Greater Significant effects than Previous EIR | No Additional Significant Impact/ Less Than Significant Impact With Application of Mitigation from FEIR | Less Than Significant Impact/No Changes or Information Requiring Preparation of an MND or EIR | No Impact |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------|
| <b>Would the project:</b>                                                                                                                                        |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               |           |
| a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?          |                                                             |                                                                  |                                                                   | X                                                                                                       |                                                                                               |           |
| b. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?                                                          |                                                             |                                                                  |                                                                   | X                                                                                                       |                                                                                               |           |
| c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               | X         |
| d. Result in inadequate emergency access?                                                                                                                        |                                                             |                                                                  |                                                                   |                                                                                                         | X                                                                                             |           |

#### General Plan FEIR Conclusions

The topic of Transportation is addressed in General Plan FEIR Section 4.2, Transportation/Circulation. The General Plan FEIR, as amended by the 2007 and 2013 Addenda, concluded that development under the General Plan could result in an inadequate traffic system without the appropriate transportation improvements. At buildout, the General Plan is estimated to generate 163,336 total trip ends, compared to 52,382 trip ends for the existing land uses. The General Plan Circulation Plan represents the preferred transportation system to provide adequate capacity to accommodate the buildout traffic demands of the Land Use Element. Based upon buildout of the General Plan land uses, the Circulation Element network generally serves projected traffic volumes within ultimate capacities, with the exception of segments of Cook Street and Highway 111. Adequate intersection performance during peak traffic hours can be insured with intersection geometrics which satisfy turning movement and through traffic capacity demands. As development within the City occurs, the improvement of the areawide roadway system must occur concurrently to provide an adequate level of service. To ensure funds from developers and/or areawide fee programs are appropriately targeted to ongoing circulation needs, the City's development monitoring process should be continued. The General Plan FEIR determined that adherence to the roadway improvement policies as set forth in the Circulation Element of the General Plan would mitigate potentially significant impacts. These policies include provide and maintain a street system which maintains a minimum level of service D at roadway intersections, street improvements, require all new development to prepare a site-specific traffic study, and

coordinate with other government entities in implementation of the City's Circulation Plan and Coachella Valley-wide circulation improvements.

## **Project Analysis**

**a. *Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?***

The Project does not propose site-specific development; rather, it involves amendments to the General Plan Land Use Element, Zoning Code, and General Plan Land Use/Zoning Map to implement the required rezoning program to accommodate the City's RHNA. While the Project does not propose site-specific development, the Project would accommodate future residential development within one 34-acre parcel (APN 633360002) that is currently designated Medium Density Residential with an allowed development potential of up to 238 residential dwelling units. The proposed Project's PB land use/zoning designation would also allow for the development of up to 238 units within the 34-acre site; as such, the Project would not allow for greater residential development than what is currently permitted and analyzed in the General Plan FEIR.

Future residential development associated with implementation of the Project would be required to be designed and constructed in accordance with the City's design standards and specifications applicable to circulation such as access and parking regulations, loading standards, drive aisles, ingress and egress drives, and on-site circulation, and would be reviewed at the project level to ensure consistency with existing or planned bicycle and pedestrian facilities. Therefore, new residential development associated with implementation of the Project would not conflict with adopted policies, plans, or programs related to public transit, bicycle, or pedestrian facilities. Following compliance with the General Plan goals and policies and existing regulations, there would be no new significant or significantly different impacts related to transit, roadway, bicycle, and pedestrian facilities as a result of the proposed Project.

**b. *Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?***

The General Plan FEIR did not address potential impacts to vehicle miles traveled (VMT) because at the time of preparation of the General Plan FEIR, VMT was not the primary metric used as the basis for determining the significance of transportation impacts under CEQA. However, the Project does not include site-specific development and would not allow for greater development than what was considered in the General Plan FEIR. Thus, the proposed Project would result in the same VMT as would occur under the existing General Plan.

**c. *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?***

**d. *Result in inadequate emergency access?***

While the Project does not propose site-specific development, the Project would accommodate future residential development within one 34-acre parcel (APN 633360002). Future residential development associated with implementation of the Project would be required to be designed and constructed in accordance with the City's design standards and specifications applicable to circulation, which would ensure the provision of adequate access and circulation to and within the

development. Access to future residential development at the parcel proposed for amendments would be reviewed by the City and Fire Department to ensure that inadequate design features or incompatible uses do not occur. Therefore, the Project would not result in significant impacts involving inadequate design features or incompatible uses.

During any future construction activities there is the potential that traffic lanes located immediately adjacent to the parcel may be temporarily closed or controlled by construction personnel. However, any road closures would be temporary and emergency access to the future residential development and surrounding area would be required to be maintained. Access to future residential development associated with implementation of the Project would be required to comply with all applicable City design standards and would be reviewed by the City and Fire Department to ensure adequate emergency access. The City and Fire Department would review future development to ensure that structures are designed to meet adopted standards and that adequate emergency access is provided. Therefore, the Project would not result in significant impacts involving emergency access.

Following compliance with the General Plan goals and policies and existing regulations, there would be no new significant or significantly different impacts associated with hazards due to a geometric design feature or incompatible use or inadequate emergency access as a result of the proposed Project.

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### 3.18 TRIBAL CULTURAL RESOURCES

| Thresholds:                                                                                                                                                                                                                                                                                                                                                                                                              | Substantial Change in Project Requiring Major EIR Revisions | Substantial Change in Circumstance Requiring Major EIR Revisions | Information Showing Greater Significant effects than Previous EIR | No Additional Significant Impact/ Less Than Significant Impact With Application of Mitigation from FEIR | Less Than Significant Impact/No Changes or Information Requiring Preparation of an MND or EIR | No Impact |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------|
| Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:                              |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               |           |
| a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or                                                                                                                                                                                                                           |                                                             |                                                                  |                                                                   | X                                                                                                       |                                                                                               |           |
| b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. |                                                             |                                                                  |                                                                   | X                                                                                                       |                                                                                               |           |

#### General Plan FEIR Conclusions

Since certification of the General Plan FEIR, the CEQA Guidelines Appendix G Checklist has been revised to include a new category for Tribal Cultural Resources impacts. This topical area is addressed in General Plan FEIR Section 4.12, Cultural Resources. For purposes of this Addendum, the topic of Tribal Cultural Resources is discussed in Section 3.5, Cultural Resources, consistent with the organization of the General Plan FEIR.

#### Project Analysis

- a. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*
- Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or*

- ***A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.***

Refer to Section 3.5, Cultural Resources.

### 3.19 UTILITIES AND SERVICE SYSTEMS

| Thresholds:                                                                                                                                                                                                                                                                          | Substantial Change in Project Requiring Major EIR Revisions | Substantial Change in Circumstance Requiring Major EIR Revisions | Information Showing Greater Significant effects than Previous EIR | No Additional Significant Impact/ Less Than Significant Impact With Application of Mitigation from FEIR | Less Than Significant Impact/No Changes or Information Requiring Preparation of an MND or EIR | No Impact |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------|
| <b>Would the project:</b>                                                                                                                                                                                                                                                            |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               |           |
| a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? |                                                             |                                                                  |                                                                   | X                                                                                                       |                                                                                               |           |
| b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?                                                                                                                            |                                                             |                                                                  |                                                                   |                                                                                                         | X                                                                                             |           |
| c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?                                                    |                                                             |                                                                  |                                                                   | X                                                                                                       |                                                                                               |           |
| d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?                                                                                              |                                                             |                                                                  |                                                                   |                                                                                                         | X                                                                                             |           |
| e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?                                                                                                                                                                   |                                                             |                                                                  |                                                                   |                                                                                                         | X                                                                                             |           |

#### General Plan FEIR Conclusions

The topic of Public Services is addressed in General Plan FEIR Section 4.10, Public Services and Utilities. The General Plan FEIR, as amended in the 2007 and 2013 Addenda, concluded that development under the General Plan would not significantly impact the ability of the service agency to provide adequate water to meet future demand levels. The future extension and/or upsizing of existing distribution lines to meet future water needs should be addressed at a project-specific level. The General Plan FEIR determined that no mitigation is necessary following implementation of the policies in the General Plan Conservation and Open Space and Community Services Elements, including policies IIIA5.1, IIIA5.2, IIIA5.3, IIIA5.6, IIA3.8, IIA1.23, IIA3.2, IIA3.4, IIA3.5, IIA3.6, IIA4.5, and IIA4.6.

The General Plan FEIR concluded that development allowed under the General Plan would not significantly impact the service companies providing natural gas and electricity in their ability to

provide services to meet projected demand. The General Plan FEIR determined that no mitigation is necessary following implementation of the policies in the General Plan Conservation and Open Space and Community Services Elements.

The General Plan FEIR concluded that development allowed under the General Plan would increase demand for wastewater treatment and require upgrades of the existing wastewater system. This is considered a significant but mitigable impact. As development occurs, the need for infrastructure improvements will need to be analyzed on a site-specific basis in accordance with CEQA. In addition, implementation of the policies in the General Plan Conservation and Open Space and Community Services Elements would also apply.

The General Plan FEIR concluded that proposed development under the General Plan would result in an increase in the generation and disposal of solid waste. This is considered a significant but mitigable impact. The General Plan FEIR determined that potential impacts as a result of solid waste generation and disposal can be mitigated to a less than significant level following implementation of the policies in the General Plan Conservation and Open Space Element.

Ultimately, the General Plan FEIR determined that following implementation of mitigation measures, the General Plan would have less than significant impacts on the provision of utilities.

### **Project Analysis**

- a. *Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?***
- b. *Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?***
- c. *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?***
- d. *Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?***
- e. *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?***

The Project does not propose site-specific development; rather, it involves amendments to the General Plan Land Use Element, Zoning Code, and General Plan Land Use/Zoning Map to implement the required rezoning program to accommodate the City's RHNA. The Project proposes to apply the new PB land use and zoning designation to one 34-acre parcel (APN 633360002) that is currently undeveloped. The General Plan identifies the parcel as Medium Density Residential and allows the development of up to 238 residential dwelling units within the parcel. The proposed Project's PB land use/zoning designation would also allow for the development of up to 238 units

within the 34-acre site. Therefore, demand for utilities and service systems on a project and cumulative project level would not exceed what has been anticipated by the General Plan and analyzed in the General Plan FEIR.

While the parcel proposed for amendments is located in an area that is generally developed and served by existing infrastructure, future residential development could incrementally increase the demand for water, wastewater, stormwater, and dry utilities facilities and waste management services. However, the proposed Project would not allow for new or greater residential development than is currently allowed under the General Plan. As the Project is not increasing residential development capacity beyond what has already accounted for in the General Plan, demand would be consistent for water, wastewater, stormwater, and dry utilities facilities and waste management services. Future development associated with implementation of the Project would be required to demonstrate adequate facilities and supplies are available and/or to pay a share of infrastructure improvements to reduce potential impacts related to utilities and service systems. In addition, the General Plan includes goals and policies to reduce potential impacts to utilities and service systems as a result of new development and intensification of land uses, including, but not limited to, Land Use Element Policy IIA4.5, which requires that development pay its pro-rata share of the cost of public services and facility expansions required by that development; Conservation and Open Space Element Policy IIIA5.5, which directs the City to actively participate in regional activities to assure the effective management of water resources, and the development of water policies at the County, State and Federal level that are favorable to the Coachella Valley; Policy IIIA10.5, which directs the City to continue to reduce per capita waste generation; and Policy IIIA10.7, which directs the City to maintain and improve the City of Indian Wells waste diversion rate as mandated by the State. Future development, consistent with the General Plan and zoning, would be reviewed for consistency with General Plan policies and programs to ensure adequate utility infrastructure and services are available to serve the proposed development. Following compliance with the General Plan goals and policies, existing regulations, and General Plan FEIR mitigation measures, there would be no new significant or significantly different impacts related to utilities and service systems as a result of the proposed Project.

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### 3.20 WILDFIRE

| Thresholds:                                                                                                                                                                                                                                                        | Substantial Change in Project Requiring Major EIR Revisions | Substantial Change in Circumstance Requiring Major EIR Revisions | Information Showing Greater Significant effects than Previous EIR | No Additional Significant Impact/ Less Than Significant Impact With Application of Mitigation from FEIR | Less Than Significant Impact/No Changes or Information Requiring Preparation of an MND or EIR | No Impact |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------|
| <b>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</b>                                                                                                                            |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               |           |
| a. Substantially impair an adopted emergency response plan or emergency evacuation plan?                                                                                                                                                                           |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               | X         |
| b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?                                                       |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               | X         |
| c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               | X         |
| d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?                                                                            |                                                             |                                                                  |                                                                   |                                                                                                         |                                                                                               | X         |

### General Plan FEIR Conclusions

The City certified the General Plan FEIR before the above checklist items were added to the State CEQA Guidelines. However, the topic of wildland fire hazards is addressed in General Plan FEIR Section 4.11, Public Safety/Hazardous Materials. For purposes of this Addendum, the topic of wildfires is discussed in Section 3.9, Hazards and Hazardous Materials, consistent with the organization of the General Plan FEIR.

### Project Analysis

***If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:***

- a. ***Substantially impair an adopted emergency response plan or emergency evacuation plan?***
- b. ***Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?***

- c. ***Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?***
- d. ***Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?***

As previously stated, the Project does not propose site-specific development; rather, it involves amendments to the General Plan Land Use Element, Zoning Code, and General Plan Land Use/Zoning Map to implement the required rezoning program to accommodate the City's RHNA. Similar to the development anticipated in the General Plan, the Project would accommodate future residential development (up to 238 units) within one 34-acre parcel (APN 633360002) that is currently undeveloped.

As discussed in Section 3.9, Hazards and Hazardous Materials, according to the California Department of Forestry and Fire Protection (CAL FIRE) Fire Hazard Severity Zone Map, the parcel proposed for amendments is not located within or next to a Very High Fire Hazard Severity Zone within a Local Responsibility Area or State Responsibility Area.<sup>21</sup> The Project would not involve expansion of urban uses onto lands located within or adjacent to fire hazards areas. Future residential development would be reviewed at the project level for compliance with the existing regulatory environment, including the California Fire Code, as adopted and amended by Title 16, *Buildings and Construction*, of the Indian Wells Municipal Code. There would be no new significant or significantly different impacts related to wildfire in or near state responsibility areas or lands classified as very high fire hazard severity zones as a result of the proposed Project.

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<sup>21</sup> California Department of Forestry and Fire Protection, Fire Hazard Severity Zones in State Responsibility Area. Available: <https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008>. Accessed: March 14, 2024.

## 4 ADDENDUM FINDING

As detailed herein, on the basis of substantial evidence in the light of the whole record, a Subsequent or Supplemental EIR is not appropriate for the proposed Project because none of the criteria permitting such a document under State CEQA Guidelines section 15162 are met.

The RHNA Implementation Program Project would result in no new significant impacts that were not analyzed in the General Plan FEIR, nor would the proposed Project cause a substantial increase in the severity of any previously identified environmental impacts. The potential impacts associated with the proposed Project would either be the same or less than those described in the General Plan FEIR. In addition, there are no substantial changes to the circumstances under which the proposed Project would be undertaken that would result in new or more severe environmental impacts than previously addressed in the General Plan FEIR, nor has any new information regarding the potential for new or more severe significant environmental impacts been identified. Therefore, in accordance with Section 15164 of the State CEQA Guidelines, this Addendum to the previously certified General Plan FEIR is the appropriate environmental documentation for the proposed Project. In taking action on any of the approvals, the decision-making body must consider the whole of the data presented in the General Plan FEIR.

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